

**Senate Study Bill 3235 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S BUDGET  
BILL)

**A BILL FOR**

1 An Act relating to and making appropriations for health and  
2 human services and including other related provisions and  
3 appropriations, and providing effective, retroactive, and  
4 applicability date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I  
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS  
ELDER AFFAIRS

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes:

..... \$ 4,462,407

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

3. Of the funds appropriated in this section, \$179,961 shall

1 be transferred to the department of economic development for  
2 the Iowa commission on volunteer services to be used for the  
3 retired and senior volunteer program.

4 DIVISION II

5 HEALTH

6 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations  
7 made in this section may include amounts carried forward from  
8 appropriations and allocations made for the same purposes in  
9 the previous fiscal year. There is appropriated from the  
10 general fund of the state to the department of public health  
11 for the fiscal year beginning July 1, 2010, and ending June  
12 30, 2011, the following amounts, or so much thereof as is  
13 necessary, to be used for the purposes designated:

14 1. ADDICTIVE DISORDERS

15 For reducing the prevalence of use of tobacco, alcohol, and  
16 other drugs, and treating individuals affected by addictive  
17 behaviors, including gambling:

18 ..... \$ 28,414,782

19 a. Of the funds appropriated in this subsection, \$6,675,393  
20 shall be used for the tobacco use prevention and control  
21 initiative, including efforts at the state and local levels, as  
22 provided in chapter 142A.

23 (1) The director of public health shall dedicate sufficient  
24 resources to promote and ensure retailer compliance with  
25 tobacco laws and ordinances relating to persons under 18  
26 years of age, and shall prioritize the state's compliance in  
27 the allocation of available funds to comply with 42 U.S.C.  
28 § 300x-26 and section 453A.2.

29 (2) The director of public health shall provide for  
30 enforcement of tobacco laws, regulations, and ordinances  
31 under a chapter 28D agreement entered into between the Iowa  
32 department of public health and the alcoholic beverages  
33 division of the department of commerce.

34 b. Of the funds appropriated in this subsection,  
35 \$17,661,354 shall be used for substance abuse treatment and

1 prevention.

2 It is the intent of the general assembly that from the moneys  
3 allocated in this lettered paragraph persons with a dual  
4 diagnosis of substance abuse and gambling addictions shall be  
5 given priority in treatment services.

6 c. Of the funds appropriated in this subsection, \$4,078,035  
7 shall be used for funding of gambling treatment, including  
8 administrative costs and to provide programs which may include  
9 but are not limited to outpatient and follow-up treatment  
10 for persons affected by problem gambling, rehabilitation and  
11 residential treatment programs, information and referral  
12 services, education and preventive services, and financial  
13 management services.

14 2. HEALTHY CHILDREN AND FAMILIES

15 For promoting the optimum health status for children,  
16 adolescents from birth through 21 years of age, and families:  
17 ..... \$ 2,353,517

18 3. CHRONIC CONDITIONS

19 For serving individuals identified as having chronic  
20 conditions or special health care needs:  
21 ..... \$ 2,802,255

22 4. COMMUNITY CAPACITY

23 For strengthening the health care delivery system at the  
24 local level:  
25 ..... \$ 3,728,162

26 a. Of the funds appropriated in this subsection, \$63,592  
27 is allocated for a child vision screening program implemented  
28 through the university of Iowa hospitals and clinics in  
29 collaboration with community empowerment areas.

30 b. Of the funds appropriated in this subsection, \$129,741 is  
31 allocated for continuation of an initiative implemented at the  
32 university of Iowa and \$117,142 is allocated for continuation  
33 of an initiative at the state mental health institute at  
34 Cherokee to expand and improve the workforce engaged in  
35 mental health treatment and services. The initiatives shall

1 receive input from the university of Iowa, the department  
2 of human services, the department of public health, and the  
3 mental health, mental retardation, developmental disabilities,  
4 and brain injury commission to address the focus of the  
5 initiatives.

6 c. Of the funds appropriated in this subsection, \$1,264,812  
7 shall be used for essential public health services that promote  
8 healthy aging throughout the lifespan, contracted through a  
9 formula for local boards of health, to enhance health promotion  
10 and disease prevention services.

11 d. Of the funds appropriated in this subsection, \$75,000  
12 shall be deposited in the governmental public health system  
13 fund created in section 135A.8 to be used for the purposes of  
14 the fund.

15 5. ELDERLY WELLNESS

16 For promotion of healthy aging and optimization of the  
17 health of older adults:

18 ..... \$ 8,345,779

19 6. ENVIRONMENTAL HAZARDS

20 For reducing the public's exposure to hazards in the  
21 environment, primarily chemical hazards:

22 ..... \$ 965,950

23 7. INFECTIOUS DISEASES

24 For reducing the incidence and prevalence of communicable  
25 diseases:

26 ..... \$ 1,605,967

27 8. PUBLIC PROTECTION

28 For protecting the health and safety of the public through  
29 establishing standards and enforcing regulations:

30 ..... \$ 3,236,235

31 Of the funds appropriated in this subsection, not more than  
32 \$471,690 shall be credited to the emergency medical services  
33 fund created in section 135.25. Moneys in the emergency  
34 medical services fund are appropriated to the department to be  
35 used for the purposes of the fund.

1 9. RESOURCE MANAGEMENT

2 For establishing and sustaining the overall ability of the  
3 department to deliver services to the public:

4 ..... \$ 956,265

5 The university of Iowa hospitals and clinics under the  
6 control of the state board of regents shall not receive  
7 indirect costs from the funds appropriated in this section.

8 The university of Iowa hospitals and clinics billings to the  
9 department shall be on at least a quarterly basis.

10

DIVISION III

11

DEPARTMENT OF VETERANS AFFAIRS

12

13 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is  
14 appropriated from the general fund of the state to the  
15 department of veterans affairs for the fiscal year beginning  
16 July 1, 2010, and ending June 30, 2011, the following amounts,  
17 or so much thereof as is necessary, to be used for the purposes  
18 designated:

18

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

19

20 For salaries, support, maintenance, and miscellaneous  
21 purposes, including the war orphans educational assistance fund  
22 created in section 35.8:

22 ..... \$ 960,453

23

2. IOWA VETERANS HOME

24

25 For salaries, support, maintenance, and miscellaneous  
26 purposes:

26 ..... \$ 9,630,846

27

28 a. The Iowa veterans home billings involving the department  
29 of human services shall be submitted to the department on at  
30 least a monthly basis.

30

31 b. If there is a change in the employer of employees  
32 providing services at the Iowa veterans home under a collective  
33 bargaining agreement, such employees and the agreement shall  
34 be continued by the successor employer as though there had not  
35 been a change in employer.

35

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED

1 VETERANS

2 For provision of educational assistance pursuant to section  
3 35.9:

4 ..... \$ 12,731

5 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS  
6 FUND STANDING APPROPRIATIONS. Notwithstanding the standing  
7 appropriation in the following designated section for the  
8 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
9 the amounts appropriated from the general fund of the state  
10 pursuant to that section for the following designated purposes  
11 shall not exceed the following amount:

12 For the county commissions of veterans affairs fund under  
13 section 35A.16:

14 ..... \$ 900,000

15 DIVISION IV

16 HUMAN SERVICES

17 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
18 GRANT. There is appropriated from the fund created in section  
19 8.41 to the department of human services for the fiscal year  
20 beginning July 1, 2010, and ending June 30, 2011, from moneys  
21 received under the federal temporary assistance for needy  
22 families (TANF) block grant pursuant to the federal Personal  
23 Responsibility and Work Opportunity Reconciliation Act of 1996,  
24 Pub. L. No. 104-193, and successor legislation, and from moneys  
25 received under the emergency contingency fund for temporary  
26 assistance for needy families state program established  
27 pursuant to the federal American Recovery and Reinvestment Act  
28 of 2009, Pub. L. No. 111-5, § 2101, the following amounts, or  
29 so much thereof as is necessary, to be used for the purposes  
30 designated:

31 1. To be credited to the family investment program account  
32 and used for assistance under the family investment program  
33 under chapter 239B:

34 ..... \$ 36,761,953

35 2. To be credited to the family investment program account

1 and used for the job opportunities and basic skills (JOBS)  
2 program and implementing family investment agreements in  
3 accordance with chapter 239B:  
4 ..... \$ 13,084,528  
5 3. To be used for the family development and  
6 self-sufficiency grant program in accordance with section  
7 216A.107:  
8 ..... \$ 2,448,980  
9 4. For field operations:  
10 ..... \$ 21,694,894  
11 5. For general administration:  
12 ..... \$ 3,744,000  
13 6. For local administrative costs:  
14 ..... \$ 1,094,915  
15 7. For state child care assistance:  
16 ..... \$ 12,382,687  
17 a. Of the funds appropriated in this subsection,  
18 \$12,382,687 shall be transferred to the child care and  
19 development block grant appropriation made by the Eighty-third  
20 General Assembly, 2010 Session, for the federal fiscal  
21 year beginning October 1, 2010, and ending September 30,  
22 2011. Of this amount, \$200,000 shall be used for provision  
23 of educational opportunities to registered child care home  
24 providers in order to improve services and programs offered  
25 by this category of providers and to increase the number of  
26 providers. The department may contract with institutions  
27 of higher education or child care resource and referral  
28 centers to provide the educational opportunities. Allowable  
29 administrative costs under the contracts shall not exceed 5  
30 percent. The application for a grant shall not exceed two  
31 pages in length.  
32 b. If the moneys received under the federal temporary  
33 assistance for needy families (TANF) block grant pursuant  
34 to the federal Personal Responsibility and Work Opportunity  
35 Reconciliation Act of 1996, Pub. L. No. 104-193 and successor

1 legislation, and from moneys received under the emergency  
2 contingency fund for temporary assistance for needy families  
3 state program established pursuant to the federal American  
4 Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101  
5 are determined to exceed the needs of the family investment  
6 program and other appropriations made in this section, the  
7 department may use such funds as may be available for state  
8 child care assistance payments for individuals enrolled in the  
9 family investment program.

- 10 8. For mental health and developmental disabilities
- 11 community services:
- 12 ..... \$ 4,894,052
- 13 9. For child and family services:
- 14 ..... \$ 32,084,430
- 15 10. For child abuse prevention grants:
- 16 ..... \$ 125,000
- 17 11. For pregnancy prevention grants on the condition that
- 18 family planning services are funded:
- 19 ..... \$ 1,327,878

20 Pregnancy prevention grants shall be awarded to programs  
21 in existence on or before July 1, 2010, if the programs are  
22 comprehensive in scope and have demonstrated positive outcomes.  
23 Grants shall be awarded to pregnancy prevention programs  
24 which are developed after July 1, 2010, if the programs are  
25 comprehensive in scope and are based on existing models that  
26 have demonstrated positive outcomes. Grants shall comply with  
27 the requirements provided in 1997 Iowa Acts, chapter 208,  
28 section 14, subsections 1 and 2, including the requirement that  
29 grant programs must emphasize sexual abstinence. Priority in  
30 the awarding of grants shall be given to programs that serve  
31 areas of the state which demonstrate the highest percentage of  
32 unplanned pregnancies of females of childbearing age within the  
33 geographic area to be served by the grant.

34 12. For technology needs and other resources necessary  
35 to meet federal welfare reform reporting, tracking, and case

1 management requirements:

2 ..... \$ 1,037,186

3 13. To be credited to the state child care assistance  
4 appropriation made in this section to be used for funding of  
5 community-based early childhood programs targeted to children  
6 from birth through five years of age developed by community  
7 empowerment areas as provided in section 28.9:

8 ..... \$ 6,850,000

9 a. The department shall transfer TANF block grant funding  
10 appropriated and allocated in this subsection to the child care  
11 and development block grant appropriation in accordance with  
12 federal law as necessary to comply with the provisions of this  
13 subsection.

14 b. Of the amounts appropriated in this section, \$12,962,008  
15 for the fiscal year beginning July 1, 2010, shall be  
16 transferred to the appropriation of the federal social services  
17 block grant made for that fiscal year.

18 c. The department may transfer funds allocated in this  
19 section to the appropriations made in this Act for general  
20 administration and field operations for resources necessary to  
21 implement and operate the services referred to in this section  
22 and those funded in the appropriation made in this division of  
23 this Act for the family investment program from the general  
24 fund of the state.

25 14. Notwithstanding any provision to the contrary,  
26 including but not limited to requirements in section 8.41 or  
27 provisions in 2009 or 2010 Iowa Acts regarding the receipt  
28 and appropriation of federal block grants, federal funds  
29 from the emergency contingency fund for temporary assistance  
30 for needy families state program established pursuant to the  
31 federal American Recovery and Reinvestment Act of 2009, Pub.  
32 L. No. 111-5 § 2101, received by the state during the fiscal  
33 year beginning July 1, 2009, and ending June 30, 2010, not  
34 otherwise appropriated in this section and remaining available  
35 as of July 1, 2010, and received by the state during the fiscal

1 year beginning July 1, 2010, and ending June 30, 2011, are  
2 appropriated to the extent as may be necessary to fully fund  
3 the family investment program during the fiscal year beginning  
4 July 1, 2010, and ending June 30, 2011.

5 a. The federal funds appropriated in this subsection  
6 shall be expended only after all other funds appropriated in  
7 subsection 1 for assistance under the family investment program  
8 under chapter 239B have been expended.

9 b. The department shall, on a quarterly basis, advise the  
10 legislative services agency and department of management of  
11 the amount of funds appropriated in this subsection that was  
12 expended in the prior quarter.

13 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

14 1. Moneys credited to the family investment program (FIP)  
15 account for the fiscal year beginning July 1, 2010, and  
16 ending June 30, 2011, shall be used to provide assistance in  
17 accordance with chapter 239B.

18 2. The department may use a portion of the moneys credited  
19 to the FIP account under this section as necessary for  
20 salaries, support, maintenance, and miscellaneous purposes.

21 3. The department may transfer funds allocated in  
22 this section to the appropriations in this Act for general  
23 administration and field operations for resources necessary to  
24 implement and operate the services referred to in this section  
25 and those funded in the appropriation made in this division of  
26 this Act for the family investment program from the general  
27 fund of the state.

28 4. Moneys appropriated in this division of this Act and  
29 credited to the FIP account for the fiscal year beginning July  
30 1, 2010, and ending June 30, 2011, are allocated as follows:

31 a. To be retained by the department of human services to  
32 be used for coordinating with the department of human rights  
33 to more effectively serve participants in the FIP program and  
34 other shared clients and to meet federal reporting requirements  
35 under the federal temporary assistance for needy families block

1 grant:

2 ..... \$ 20,000

3 b. To the department of human rights for staffing,  
4 administration, and implementation of the family development  
5 and self-sufficiency grant program in accordance with section  
6 216A.107:

7 ..... \$ 4,947,251

8 (1) Of the funds allocated for the family development and  
9 self-sufficiency grant program in this lettered paragraph,  
10 not more than 5 percent of the funds shall be used for the  
11 administration of the grant program.

12 (2) The department of human rights may continue to implement  
13 the family development and self-sufficiency grant program  
14 statewide during fiscal year 2010-2011.

15 c. For the diversion subaccount of the FIP account:

16 ..... \$ 1,698,400

17 A portion of the moneys allocated for the subaccount may  
18 be used for field operations salaries, data management system  
19 development, and implementation costs and support deemed  
20 necessary by the director of human services in order to  
21 administer the FIP diversion program.

22 d. For the food stamp employment and training program:

23 ..... \$ 68,059

24 The department shall amend the food stamp employment and  
25 training state plan in order to maximize to the fullest extent  
26 permitted by federal law the use of the fifty-fifty match  
27 provisions for the claiming of allowable federal matching funds  
28 from the United States department of agriculture pursuant  
29 to the federal food stamp employment and training program  
30 for providing education, employment, and training services  
31 for eligible food assistance program participants, including  
32 but not limited to related dependent care and transportation  
33 expenses.

34 e. For the JOBS program:

35 ..... \$ 21,325,993

1 5. Of the child support collections assigned under FIP,  
2 an amount equal to the federal share of support collections  
3 shall be credited to the child support recovery appropriation  
4 made in this division of this Act. Of the remainder of the  
5 assigned child support collections received by the child  
6 support recovery unit, a portion shall be credited to the FIP  
7 account, a portion may be used to increase recoveries, and a  
8 portion may be used to sustain cash flow in the child support  
9 payments account. If as a consequence of the appropriations  
10 and allocations made in this section the resulting amounts  
11 are insufficient to sustain cash assistance payments and meet  
12 federal maintenance of effort requirements, the department  
13 shall seek supplemental funding. If child support collections  
14 assigned under FIP are greater than estimated or are otherwise  
15 determined not to be required for maintenance of effort, the  
16 state share of either amount may be transferred to or retained  
17 in the child support payment account.

18 6. The department may adopt emergency rules for the family  
19 investment, JOBS, food stamp, and medical assistance programs  
20 if necessary to comply with federal requirements.

21 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There  
22 is appropriated from the general fund of the state to the  
23 department of human services for the fiscal year beginning July  
24 1, 2010, and ending June 30, 2011, the following amount, or  
25 so much thereof as is necessary, to be used for the purpose  
26 designated:

27 To be credited to the family investment program (FIP)  
28 account and used for family investment program assistance under  
29 chapter 239B:

30 ..... \$ 31,735,539

31 1. Of the funds appropriated in this section, \$8,241,465 is  
32 allocated for the JOBS program.

33 2. Of the funds appropriated in this section, \$2,518,271 is  
34 allocated for the family development and self-sufficiency grant  
35 program.

1 3. a. Of the funds appropriated in this section, \$112,331  
2 shall be used for continuation of a grant to an Iowa-based  
3 nonprofit organization with a history of providing tax  
4 preparation assistance to low-income Iowans in order to expand  
5 the usage of the earned income tax credit. The purpose of the  
6 grant is to supply this assistance to underserved areas of the  
7 state. The grant shall be provided to an organization that  
8 has existing national foundation support for supplying such  
9 assistance that can also secure local charitable match funding.

10 b. The general assembly supports efforts by the  
11 organization receiving funding under this subsection to create  
12 a statewide earned income tax credit coalition to expand the  
13 usage of the tax credit through new and enhanced outreach and  
14 marketing strategies, as well as identify new local sites and  
15 human and financial resources.

16 4. Of the funds appropriated in this section, \$602,109 shall  
17 be used for pregnancy prevention grants in accordance with  
18 the appropriation of federal temporary assistance for needy  
19 families funding for purposes of the grants in this division  
20 of this Act.

21 5. Notwithstanding section 8.39, for the fiscal year  
22 beginning July 1, 2010, if necessary to meet federal  
23 maintenance of effort requirements or to transfer federal  
24 temporary assistance for needy families block grant funding  
25 to be used for purposes of the federal social services block  
26 grant or to meet cash flow needs resulting from delays in  
27 receiving federal funding or to implement, in accordance with  
28 this division of this Act, activities currently funded with  
29 juvenile court services, county, or community moneys and state  
30 moneys used in combination with such moneys, the department  
31 of human services may transfer funds within or between any  
32 of the appropriations made in this division of this Act and  
33 appropriations in law for the federal social services block  
34 grant to the department for the following purposes, provided  
35 that the combined amount of state and federal temporary

1 assistance for needy families block grant funding for each  
2 appropriation remains the same before and after the transfer:

- 3 a. For the family investment program.
- 4 b. For child care assistance.
- 5 c. For child and family services.
- 6 d. For field operations.
- 7 e. For general administration.
- 8 f. MH/MR/DD/BI community services (local purchase).

9 This subsection shall not be construed to prohibit the use  
10 of existing state transfer authority for other purposes. The  
11 department shall report any transfers made pursuant to this  
12 subsection to the legislative services agency.

13 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated  
14 from the general fund of the state to the department of human  
15 services for the fiscal year beginning July 1, 2010, and ending  
16 June 30, 2011, the following amount, or so much thereof as is  
17 necessary, to be used for the purposes designated:

18 For child support recovery, including salaries, support,  
19 maintenance, and miscellaneous purposes:  
20 ..... \$ 12,078,414

21 1. The department shall expend up to \$24,329, including  
22 federal financial participation, for the fiscal year beginning  
23 July 1, 2010, for a child support public awareness campaign.  
24 The department and the office of the attorney general shall  
25 cooperate in continuation of the campaign. The public  
26 awareness campaign shall emphasize, through a variety of  
27 media activities, the importance of maximum involvement of  
28 both parents in the lives of their children as well as the  
29 importance of payment of child support obligations.

30 2. Federal access and visitation grant moneys shall be  
31 issued directly to private not-for-profit agencies that provide  
32 services designed to increase compliance with the child access  
33 provisions of court orders, including but not limited to  
34 neutral visitation sites and mediation services.

35 3. The appropriation made to the department for child

1 support recovery may be used throughout the fiscal year in the  
2 manner necessary for purposes of cash flow management, and for  
3 cash flow management purposes the department may temporarily  
4 draw more than the amount appropriated, provided the amount  
5 appropriated is not exceeded at the close of the fiscal year.

6 4. With the exception of the funding amount specified,  
7 the requirements established under 2001 Iowa Acts, chapter  
8 191, section 3, subsection 5, paragraph "c", subparagraph (3),  
9 shall be applicable to parental obligation pilot projects for  
10 the fiscal year beginning July 1, 2010, and ending June 30,  
11 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30,  
12 2009, providing for termination of rules relating to the pilot  
13 projects the earlier of October 1, 2006, or when legislative  
14 authority is discontinued, the rules relating to the pilot  
15 projects, as in effect on June 30, 2009, shall remain in effect  
16 until June 30, 2011.

17 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from the  
18 general fund of the state to the department of human services  
19 for the fiscal year beginning July 1, 2010, and ending June 30,  
20 2011, the following amount, or so much thereof as is necessary,  
21 to be used for the purpose designated:

22 For medical assistance reimbursement and associated costs  
23 as specifically provided in the reimbursement methodologies  
24 in effect on June 30, 2010, except as otherwise expressly  
25 authorized by law, including reimbursement for abortion  
26 services which shall be available under the medical assistance  
27 program only for those abortions which are medically necessary:  
28 ..... \$790,982,609

29 1. Medically necessary abortions are those performed under  
30 any of the following conditions:

31 a. The attending physician certifies that continuing the  
32 pregnancy would endanger the life of the pregnant woman.

33 b. The attending physician certifies that the fetus is  
34 physically deformed, mentally deficient, or afflicted with a  
35 congenital illness.

1 c. The pregnancy is the result of a rape which is reported  
2 within 45 days of the incident to a law enforcement agency or  
3 public or private health agency which may include a family  
4 physician.

5 d. The pregnancy is the result of incest which is reported  
6 within 150 days of the incident to a law enforcement agency  
7 or public or private health agency which may include a family  
8 physician.

9 e. Any spontaneous abortion, commonly known as a  
10 miscarriage, if not all of the products of conception are  
11 expelled.

12 2. The department shall utilize not more than \$60,000 of  
13 the funds appropriated in this section to continue the AIDS/HIV  
14 health insurance premium payment program as established in 1992  
15 Iowa Acts, Second Extraordinary Session, chapter 1001, section  
16 409, subsection 6. Of the funds allocated in this subsection,  
17 not more than \$5,000 may be expended for administrative  
18 purposes.

19 3. Of the funds appropriated in this Act to the department  
20 of public health for addictive disorders, \$950,000 for the  
21 fiscal year beginning July 1, 2010, shall be transferred to  
22 the department of human services for an integrated substance  
23 abuse managed care system. The department shall not assume  
24 management of the substance abuse system in place of the  
25 managed care contractor unless such a change in approach is  
26 specifically authorized in law. The departments of human  
27 services and public health shall work together to maintain  
28 the level of mental health and substance abuse services  
29 provided by the managed care contractor through the Iowa plan  
30 for behavioral health. Each department shall take the steps  
31 necessary to continue the federal waivers as necessary to  
32 maintain the level of services.

33 4. a. The department shall aggressively pursue options for  
34 providing medical assistance or other assistance to individuals  
35 with special needs who become ineligible to continue receiving

1 services under the early and periodic screening, diagnosis, and  
2 treatment program under the medical assistance program due to  
3 becoming 21 years of age who have been approved for additional  
4 assistance through the department's exception to policy  
5 provisions, but who have health care needs in excess of the  
6 funding available through the exception to policy provisions.

7 b. Of the funds appropriated in this section, \$100,000  
8 shall be used for participation in one or more pilot projects  
9 operated by a private provider to allow the individual or  
10 individuals to receive service in the community in accordance  
11 with principles established in *Olmstead v. L.C.*, 527 U.S. 581  
12 (1999), for the purpose of providing medical assistance or  
13 other assistance to individuals with special needs who become  
14 ineligible to continue receiving services under the early and  
15 periodic screening, diagnosis, and treatment program under  
16 the medical assistance program due to becoming 21 years of  
17 age who have been approved for additional assistance through  
18 the department's exception to policy provisions, but who have  
19 health care needs in excess of the funding available through  
20 the exception to the policy provisions.

21 5. Of the funds appropriated in this section, up to  
22 \$3,050,082 may be transferred to the field operations  
23 or general administration appropriations in this Act for  
24 operational costs associated with Part D of the federal  
25 Medicare Prescription Drug, Improvement, and Modernization Act  
26 of 2003, Pub. L. No. 108-173.

27 6. Of the funds appropriated in this section, not more  
28 than \$166,600 shall be used to enhance outreach efforts. The  
29 department may transfer funds allocated in this subsection to  
30 the appropriations in this division of this Act for general  
31 administration, the state children's health insurance program,  
32 or medical contracts, as necessary, to implement the outreach  
33 efforts.

34 7. Of the funds appropriated in this section, up to \$442,100  
35 may be transferred to the appropriation in this Act for medical

1 contracts to be used for clinical assessment services related  
2 to remedial services in accordance with federal law.

3 8. A portion of the funds appropriated in this section may  
4 be transferred to the appropriations in this division of this  
5 Act for general administration, medical contracts, the state  
6 children's health insurance program, or field operations to be  
7 used for the state match cost to comply with the payment error  
8 rate measurement (PERM) program for both the medical assistance  
9 and state children's health insurance programs as developed by  
10 the centers for Medicare and Medicaid services of the United  
11 States department of health and human services to comply with  
12 the federal Improper Payments Information Act of 2002, Pub. L.  
13 No. 107-300.

14 9. It is the intent of the general assembly that the  
15 department continue to implement the recommendations of  
16 the assuring better child health and development initiative  
17 II (ABCDII) clinical panel to the Iowa early and periodic  
18 screening, diagnostic, and treatment services healthy mental  
19 development collaborative board regarding changes to billing  
20 procedures, codes, and eligible service providers.

21 10. Of the funds appropriated in this section, a sufficient  
22 amount is allocated to supplement the incomes of residents of  
23 nursing facilities, intermediate care facilities for persons  
24 with mental illness, and intermediate care facilities for  
25 persons with mental retardation, with incomes of less than \$50  
26 in the amount necessary for the residents to receive a personal  
27 needs allowance of \$50 per month pursuant to section 249A.30A.

28 11. Of the funds appropriated in this section, the following  
29 amounts shall be transferred to appropriations made in this  
30 division of this Act to the state mental health institutes:

- 31 a. Cherokee mental health institute ..... \$ 9,098,425
- 32 b. Clarinda mental health institute ..... \$ 1,977,305
- 33 c. Independence mental health institute ..... \$ 9,045,894
- 34 d. Mount Pleasant mental health institute .... \$ 5,752,587

35 12. a. Of the funds appropriated in this section,

1 \$7,108,069 is allocated for state match for disproportionate  
2 share hospital payment of \$19,133,430 to hospitals that meet  
3 both of the following conditions:

4 (1) The hospital qualifies for disproportionate share and  
5 graduate medical education payments.

6 (2) The hospital is an Iowa state-owned hospital with more  
7 than 500 beds and eight or more distinct residency specialty  
8 or subspecialty programs recognized by the American college of  
9 graduate medical education.

10 b. Distribution of the disproportionate share payment  
11 shall be made on a monthly basis. The total amount of  
12 disproportionate share payments including graduate medical  
13 education, enhanced disproportionate share, and Iowa  
14 state-owned teaching hospital payments shall not exceed the  
15 amount of the state's allotment under Pub. L. No. 102-234.  
16 In addition, the total amount of all disproportionate  
17 share payments shall not exceed the hospital-specific  
18 disproportionate share limits under Pub. L. No. 103-66.

19 13. Of the funds appropriated in this section, up to  
20 \$4,601,848 may be transferred to the IowaCare account created  
21 in section 249J.24.

22 14. Of the funds appropriated in this section, \$200,000  
23 shall be used for the Iowa chronic care consortium pursuant to  
24 2003 Iowa Acts, chapter 112, section 12, as amended by 2003  
25 Iowa Acts, chapter 179, sections 166 and 167.

26 15. One hundred percent of the nonfederal share of payments  
27 to area education agencies that are medical assistance  
28 providers for medical assistance-covered services provided to  
29 medical assistance-covered children, shall be made from the  
30 appropriation made in this section.

31 16. Any new or renewed contract entered into by the  
32 department with a third party to administer behavioral health  
33 services under the medical assistance program shall provide  
34 that any interest earned on payments from the state during  
35 the state fiscal year shall be remitted to the department

1 and treated as recoveries to offset the costs of the medical  
2 assistance program.

3 17. The department shall continue to implement the  
4 provisions in 2007 Iowa Acts, chapter 218, section 124 and  
5 section 126, as amended by 2008 Iowa Acts, chapter 1188,  
6 section 55, relating to eligibility for certain persons with  
7 disabilities under the medical assistance program in accordance  
8 with the federal Family Opportunity Act.

9 18. A portion of the funds appropriated in this section  
10 may be transferred to the appropriation in this division of  
11 this Act for medical contracts to be used for administrative  
12 activities associated with the money follows the person  
13 demonstration project.

14 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There  
15 is appropriated from the general fund of the state to the  
16 department of human services for the fiscal year beginning July  
17 1, 2010, and ending June 30, 2011, the following amount, or  
18 so much thereof as is necessary, to be used for the purpose  
19 designated:

20 For administration of the health insurance premium payment  
21 program, including salaries, support, maintenance, and  
22 miscellaneous purposes:

23 ..... \$ 457,210

24 Sec. 11. MEDICAL CONTRACTS. There is appropriated from the  
25 general fund of the state to the department of human services  
26 for the fiscal year beginning July 1, 2010, and ending June 30,  
27 2011, the following amount, or so much thereof as is necessary,  
28 to be used for the purpose designated:

29 For medical contracts, including salaries, support,  
30 maintenance, and miscellaneous purposes:

31 ..... \$ 10,413,090

32 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

33 1. There is appropriated from the general fund of the  
34 state to the department of human services for the fiscal year  
35 beginning July 1, 2010, and ending June 30, 2011, the following

1 amount, or so much thereof as is necessary, to be used for the  
2 purpose designated:

3 For the state supplementary assistance program:

4 ..... \$ 18,259,235

5 2. The department shall increase the personal needs  
6 allowance for residents of residential care facilities by the  
7 same percentage and at the same time as federal supplemental  
8 security income and federal social security benefits are  
9 increased due to a recognized increase in the cost of living.  
10 The department may adopt emergency rules to implement this  
11 subsection.

12 3. If during the fiscal year beginning July 1, 2010,  
13 the department projects that state supplementary assistance  
14 expenditures for a calendar year will not meet the federal  
15 pass-through requirement specified in Title XVI of the  
16 federal Social Security Act, section 1618, as codified in 42  
17 U.S.C. § 1382g, the department may take actions including but  
18 not limited to increasing the personal needs allowance for  
19 residential care facility residents and making programmatic  
20 adjustments or upward adjustments of the residential care  
21 facility or in-home health-related care reimbursement rates  
22 prescribed in this division of this Act to ensure that federal  
23 requirements are met. In addition, the department may make  
24 other programmatic and rate adjustments necessary to remain  
25 within the amount appropriated in this section while ensuring  
26 compliance with federal requirements. The department may adopt  
27 emergency rules to implement the provisions of this subsection.

28 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

29 1. There is appropriated from the general fund of the  
30 state to the department of human services for the fiscal year  
31 beginning July 1, 2010, and ending June 30, 2011, the following  
32 amount, or so much thereof as is necessary, to be used for the  
33 purpose designated:

34 For maintenance of the healthy and well kids in Iowa (hawk-i)  
35 program pursuant to chapter 514I for receipt of federal

1 financial participation under Title XXI of the federal Social  
2 Security Act, which creates the children's health insurance  
3 program:

4 ..... \$ 23,637,040

5 2. Of the funds appropriated in this section, \$128,950 is  
6 allocated for continuation of the contract for advertising and  
7 outreach with the department of public health and \$90,050 is  
8 allocated for other advertising and outreach.

9 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated  
10 from the general fund of the state to the department of human  
11 services for the fiscal year beginning July 1, 2010, and ending  
12 June 30, 2011, the following amount, or so much thereof as is  
13 necessary, to be used for the purpose designated:

14 For child care programs:

15 ..... \$ 32,768,964

16 1. Of the funds appropriated in this section, \$30,956,537  
17 shall be used for state child care assistance in accordance  
18 with section 237A.13. It is the intent of the general assembly  
19 to appropriate sufficient funding for the state child care  
20 assistance program for the fiscal year beginning July 1, 2010,  
21 in order to avoid establishment of waiting list requirements  
22 by the department in the preceding fiscal year in anticipation  
23 that enhanced funding under the federal American Recovery and  
24 Reinvestment Act of 2009 will not be replaced for the fiscal  
25 year beginning July 1, 2010.

26 2. Nothing in this section shall be construed or is  
27 intended as or shall imply a grant of entitlement for services  
28 to persons who are eligible for assistance due to an income  
29 level consistent with the waiting list requirements of section  
30 237A.13. Any state obligation to provide services pursuant to  
31 this section is limited to the extent of the funds appropriated  
32 in this section.

33 3. Of the funds appropriated in this section, \$432,453 is  
34 allocated for the statewide program for child care resource  
35 and referral services under section 237A.26. A list of the

1 registered and licensed child care facilities operating in the  
2 area served by a child care resource and referral service shall  
3 be made available to the families receiving state child care  
4 assistance in that area.

5 4. Of the funds appropriated in this section, \$936,974  
6 is allocated for child care quality improvement initiatives  
7 including but not limited to the voluntary quality rating  
8 system in accordance with section 237A.30.

9 5. The department may use any of the funds appropriated  
10 in this section as a match to obtain federal funds for use in  
11 expanding child care assistance and related programs. For  
12 the purpose of expenditures of state and federal child care  
13 funding, funds shall be considered obligated at the time  
14 expenditures are projected or are allocated to the department's  
15 service areas. Projections shall be based on current and  
16 projected caseload growth, current and projected provider  
17 rates, staffing requirements for eligibility determination  
18 and management of program requirements including data systems  
19 management, staffing requirements for administration of the  
20 program, contractual and grant obligations and any transfers  
21 to other state agencies, and obligations for decategorization  
22 or innovation projects.

23 6. A portion of the state match for the federal child care  
24 and development block grant shall be provided as necessary to  
25 meet federal matching funds requirements through the state  
26 general fund appropriation made for child development grants  
27 and other programs for at-risk children in section 279.51.

28 7. Of the funds appropriated in this section, \$350,000 shall  
29 be allocated to a county with a population of more than 300,000  
30 to be used for continuation of a grant to support child care  
31 center services provided to children with mental, physical, or  
32 emotional challenges in order for the children to remain in a  
33 home or family setting.

34 8. Of the amount allocated in subsection 1, \$93,000 shall  
35 be used for the public purpose of providing a grant to a

1 neighborhood affordable housing and services organization  
2 established in a county with a population of more than 350,000,  
3 that provides at least 300 apartment units to house more  
4 than 1,000 residents, of which more than 80 percent belong  
5 to a minority population and at least 95 percent are headed  
6 by a single parent and have an income below federal poverty  
7 guidelines, to be used for child development programming for  
8 children residing in the housing.

9 9. Notwithstanding section 8.33, moneys appropriated in  
10 this section or received from the federal appropriations made  
11 for the purposes of this section that remain unencumbered or  
12 unobligated at the close of the fiscal year shall not revert  
13 to any fund but shall remain available for expenditure for the  
14 purposes designated until the close of the succeeding fiscal  
15 year.

16 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated  
17 from the general fund of the state to the department of human  
18 services for the fiscal year beginning July 1, 2010, and ending  
19 June 30, 2011, the following amounts, or so much thereof as is  
20 necessary, to be used for the purposes designated:

21 1. For operation of the Iowa juvenile home at Toledo,  
22 including salaries, support, maintenance, and miscellaneous  
23 purposes:  
24 ..... \$ 6,189,283

25 2. For operation of the state training school at Eldora,  
26 including salaries, support, maintenance, and miscellaneous  
27 purposes:  
28 ..... \$ 9,536,008

29 3. A portion of the moneys appropriated in this section  
30 shall be used by the state training school and by the Iowa  
31 juvenile home for grants for adolescent pregnancy prevention  
32 activities at the institutions in the fiscal year beginning  
33 July 1, 2010.

34 Sec. 16. CHILD AND FAMILY SERVICES.

35 1. There is appropriated from the general fund of the

1 state to the department of human services for the fiscal year  
2 beginning July 1, 2010, and ending June 30, 2011, the following  
3 amount, or so much thereof as is necessary, to be used for the  
4 purpose designated:

5 For child and family services:

6 ..... \$ 80,425,523

7 2. In order to address a reduction of \$5,200,000 from the  
8 amount allocated under the appropriation made for the purposes  
9 of this section in prior years for purposes of juvenile  
10 delinquent graduated sanction services, up to \$5,200,000 of the  
11 amount of federal temporary assistance for needy families block  
12 grant funding appropriated in this division of this Act for  
13 child and family services shall be made available for purposes  
14 of juvenile delinquent graduated sanction services.

15 3. The department may transfer funds appropriated in this  
16 section as necessary to pay the nonfederal costs of services  
17 reimbursed under the medical assistance program, state child  
18 care assistance program, or the family investment program which  
19 are provided to children who would otherwise receive services  
20 paid under the appropriation in this section. The department  
21 may transfer funds appropriated in this section to the  
22 appropriations made in this division of this Act for general  
23 administration and for field operations for resources necessary  
24 to implement and operate the services funded in this section.

25 4. a. Of the funds appropriated in this section, up to  
26 \$29,204,611 is allocated as the statewide expenditure target  
27 under section 232.143 for group foster care maintenance and  
28 services. If the department projects that such expenditures  
29 for the fiscal year will be less than the target amount  
30 allocated in this lettered paragraph, the department may  
31 reallocate the excess to provide additional funding for shelter  
32 care or the child welfare emergency services addressed with the  
33 allocation for shelter care.

34 b. If at any time after September 30, 2010, annualization  
35 of a service area's current expenditures indicates a service

1 area is at risk of exceeding its group foster care expenditure  
2 target under section 232.143 by more than 5 percent, the  
3 department and juvenile court services shall examine all  
4 group foster care placements in that service area in order to  
5 identify those which might be appropriate for termination.  
6 In addition, any aftercare services believed to be needed  
7 for the children whose placements may be terminated shall be  
8 identified. The department and juvenile court services shall  
9 initiate action to set dispositional review hearings for the  
10 placements identified. In such a dispositional review hearing,  
11 the juvenile court shall determine whether needed aftercare  
12 services are available and whether termination of the placement  
13 is in the best interest of the child and the community.

14 5. In accordance with the provisions of section 232.188,  
15 the department shall continue the child welfare and juvenile  
16 justice funding initiative during fiscal year 2010-2011. Of  
17 the funds appropriated in this section, \$1,717,753 is allocated  
18 specifically for expenditure for fiscal year 2010-2011 through  
19 the decategorization service funding pools and governance  
20 boards established pursuant to section 232.188.

21 6. A portion of the funds appropriated in this section  
22 may be used for emergency family assistance to provide other  
23 resources required for a family participating in a family  
24 preservation or reunification project or successor project to  
25 stay together or to be reunified.

26 7. Notwithstanding section 234.35 or any other provision of  
27 law to the contrary, state funding for shelter care shall be  
28 limited to \$8,394,147. The department may continue or amend  
29 shelter care provider contracts to include the child welfare  
30 emergency services for children who might otherwise be served  
31 in shelter care that were implemented pursuant to 2008 Iowa  
32 Acts, chapter 1187, section 16, subsection 7.

33 8. Except for federal funds provided by the federal American  
34 Recovery and Reinvestment Act of 2009, federal funds received  
35 by the state during the fiscal year beginning July 1, 2010,

1 as the result of the expenditure of state funds appropriated  
2 during a previous state fiscal year for a service or activity  
3 funded under this section are appropriated to the department  
4 to be used as additional funding for services and purposes  
5 provided for under this section. Notwithstanding section 8.33,  
6 moneys received in accordance with this subsection that remain  
7 unencumbered or unobligated at the close of the fiscal year  
8 shall not revert to any fund but shall remain available for the  
9 purposes designated until the close of the succeeding fiscal  
10 year.

11 9. Of the funds appropriated in this section, at least  
12 \$3,696,285 shall be used for protective child care assistance.

13 10. a. Of the funds appropriated in this section, up to  
14 \$2,062,488 is allocated for the payment of the expenses of  
15 court-ordered services provided to juveniles who are under the  
16 supervision of juvenile court services, which expenses are a  
17 charge upon the state pursuant to section 232.141, subsection  
18 4. Of the amount allocated in this lettered paragraph, up to  
19 \$1,556,287 shall be made available to provide school-based  
20 supervision of children adjudicated under chapter 232, of which  
21 not more than \$15,000 may be used for the purpose of training.  
22 A portion of the cost of each school-based liaison officer  
23 shall be paid by the school district or other funding source as  
24 approved by the chief juvenile court officer.

25 b. Of the funds appropriated in this section, up to \$748,985  
26 is allocated for the payment of the expenses of court-ordered  
27 services provided to children who are under the supervision  
28 of the department, which expenses are a charge upon the state  
29 pursuant to section 232.141, subsection 4.

30 c. Notwithstanding section 232.141 or any other provision  
31 of law to the contrary, the amounts allocated in this  
32 subsection shall be distributed to the judicial districts  
33 as determined by the state court administrator and to the  
34 department's service areas as determined by the administrator  
35 of the department's division of child and family services. The

1 state court administrator and the division administrator shall  
2 make the determination of the distribution amounts on or before  
3 June 15, 2010.

4 d. Notwithstanding chapter 232 or any other provision of  
5 law to the contrary, a district or juvenile court shall not  
6 order any service which is a charge upon the state pursuant  
7 to section 232.141 if there are insufficient court-ordered  
8 services funds available in the district court or departmental  
9 service area distribution amounts to pay for the service. The  
10 chief juvenile court officer and the departmental service area  
11 manager shall encourage use of the funds allocated in this  
12 subsection such that there are sufficient funds to pay for  
13 all court-related services during the entire year. The chief  
14 juvenile court officers and departmental service area managers  
15 shall attempt to anticipate potential surpluses and shortfalls  
16 in the distribution amounts and shall cooperatively request the  
17 state court administrator or division administrator to transfer  
18 funds between the judicial districts' or departmental service  
19 areas' distribution amounts as prudent.

20 e. Notwithstanding any provision of law to the contrary,  
21 a district or juvenile court shall not order a county to pay  
22 for any service provided to a juvenile pursuant to an order  
23 entered under chapter 232 which is a charge upon the state  
24 under section 232.141, subsection 4.

25 f. Of the funds allocated in this subsection, not more than  
26 \$100,000 may be used by the judicial branch for administration  
27 of the requirements under this subsection.

28 11. Of the funds appropriated in this section, \$988,285  
29 shall be transferred to the department of public health to  
30 be used for the child protection center grant program in  
31 accordance with section 135.118.

32 12. If the department receives federal approval to  
33 implement a waiver under Title IV-E of the federal Social  
34 Security Act to enable providers to serve children who remain  
35 in the children's families and communities, for purposes of

1 eligibility under the medical assistance program, children who  
2 participate in the waiver shall be considered to be placed in  
3 foster care.

4 13. Of the funds appropriated in this section, \$2,875,281 is  
5 allocated for the preparation for adult living program pursuant  
6 to section 234.46.

7 14. Of the funds appropriated in this section, \$520,150  
8 shall be used for juvenile drug courts. The amount allocated  
9 in this subsection shall be distributed as follows:

10 To the judicial branch for salaries to assist with the  
11 operation of juvenile drug court programs operated in the  
12 following jurisdictions:

13 a. Marshall county:

14 ..... \$ 62,708

15 b. Woodbury county:

16 ..... \$ 125,682

17 c. Polk county:

18 ..... \$ 195,892

19 d. The third judicial district:

20 ..... \$ 67,934

21 e. The eighth judicial district:

22 ..... \$ 67,934

23 15. Of the funds appropriated in this section, \$227,306  
24 shall be used for the public purpose of providing a grant to  
25 a nonprofit human services organization providing services to  
26 individuals and families in multiple locations in southwest  
27 Iowa and Nebraska for support of a project providing immediate,  
28 sensitive support and forensic interviews, medical exams, needs  
29 assessments, and referrals for victims of child abuse and their  
30 nonoffending family members.

31 16. Of the funds appropriated in this section, \$125,590  
32 is allocated for the elevate approach of providing a support  
33 network to children placed in foster care.

34 17. Of the funds appropriated in this section, \$202,000 is  
35 allocated for use pursuant to section 235A.1 for continuation

1 of the initiative to address child sexual abuse implemented  
2 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection  
3 21.

4 18. Of the funds appropriated in this section, \$630,240 is  
5 allocated for the community partnership for child protection  
6 sites.

7 19. Of the funds appropriated in this section, \$371,250  
8 is allocated for the department's minority youth and family  
9 projects under the redesign of the child welfare system.

10 20. Of the funds appropriated in this section, \$300,000  
11 is allocated for funding of the state match for the federal  
12 substance abuse and mental health services administration  
13 (SAMHSA) system of care grant.

14 21. Of the funds appropriated in this section, \$80,000 shall  
15 be transferred to the appropriation made in this division of  
16 this Act for the family support subsidy program to supplement  
17 that appropriation.

18 Sec. 17. ADOPTION SUBSIDY.

19 1. There is appropriated from the general fund of the  
20 state to the department of human services for the fiscal year  
21 beginning July 1, 2010, and ending June 30, 2011, the following  
22 amount, or so much thereof as is necessary, to be used for the  
23 purpose designated:

24 For adoption subsidy payments and services:  
25 ..... \$ 34,202,696

26 2. The department may transfer funds appropriated in this  
27 section to the appropriation made in this Act for general  
28 administration for costs paid from the appropriation relating  
29 to adoption subsidy.

30 3. Except for federal funds provided by the federal American  
31 Recovery and Reinvestment Act of 2009, federal funds received  
32 by the state during the fiscal year beginning July 1, 2010, as  
33 the result of the expenditure of state funds during a previous  
34 state fiscal year for a service or activity funded under this  
35 section are appropriated to the department to be used as

1 additional funding for the services and activities funded under  
2 this section. Notwithstanding section 8.33, moneys received  
3 in accordance with this subsection that remain unencumbered or  
4 unobligated at the close of the fiscal year shall not revert  
5 to any fund but shall remain available for expenditure for the  
6 purposes designated until the close of the succeeding fiscal  
7 year.

8 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited  
9 in the juvenile detention home fund created in section 232.142  
10 during the fiscal year beginning July 1, 2010, and ending June  
11 30, 2011, are appropriated to the department of human services  
12 for the fiscal year beginning July 1, 2010, and ending June 30,  
13 2011, for distribution as follows:

14 1. For funding core department of human services' juvenile  
15 delinquent graduated sanction services:  
16 ..... \$ 1,000,000

17 2. The remainder, for distribution to county or multicounty  
18 juvenile detention homes in an amount equal to a percentage of  
19 the costs of the establishment, improvement, operation, and  
20 maintenance of county or multicounty juvenile detention homes  
21 in the fiscal year beginning July 1, 2009. Moneys designated  
22 for distribution in accordance with this subsection shall be  
23 allocated among eligible detention homes, prorated on the basis  
24 of an eligible detention home's proportion of the costs of all  
25 eligible detention homes in the fiscal year beginning July  
26 1, 2009. The percentage figure shall be determined by the  
27 department based on the amount available for distribution for  
28 the fund. Notwithstanding section 232.142, subsection 3, the  
29 financial aid payable by the state under that provision for the  
30 fiscal year beginning July 1, 2010, shall be limited to the  
31 amount distributed for the purposes of this subsection.

32 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

33 1. There is appropriated from the general fund of the  
34 state to the department of human services for the fiscal year  
35 beginning July 1, 2010, and ending June 30, 2011, the following

1 amount, or so much thereof as is necessary, to be used for the  
2 purpose designated:

3 For the family support subsidy program:

4 ..... \$ 1,522,998

5 2. The department shall use at least \$342,215 of the moneys  
6 appropriated in this section for the family support center  
7 component of the comprehensive family support program under  
8 section 225C.47. Not more than \$25,000 of the amount allocated  
9 in this subsection shall be used for administrative costs.

10 3. If at any time during the fiscal year, the amount of  
11 funding available for the family support subsidy program  
12 is reduced from the amount initially used to establish the  
13 figure for the number of family members for whom a subsidy  
14 is to be provided at any one time during the fiscal year,  
15 notwithstanding section 225C.38, subsection 2, the department  
16 shall revise the figure as necessary to conform to the amount  
17 of funding available.

18 Sec. 20. CONNER DECREE. There is appropriated from the  
19 general fund of the state to the department of human services  
20 for the fiscal year beginning July 1, 2010, and ending June 30,  
21 2011, the following amount, or so much thereof as is necessary,  
22 to be used for the purpose designated:

23 For building community capacity through the coordination  
24 and provision of training opportunities in accordance with the  
25 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.  
26 Iowa, July 14, 1994):

27 ..... \$ 33,622

28 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated  
29 from the general fund of the state to the department of human  
30 services for the fiscal year beginning July 1, 2010, and ending  
31 June 30, 2011, the following amounts, or so much thereof as is  
32 necessary, to be used for the purposes designated:

33 1. For the state mental health institute at Cherokee for  
34 salaries, support, maintenance, and miscellaneous purposes:

35 ..... \$ 4,892,468

- 1     2. For the state mental health institute at Clarinda for
- 2 salaries, support, maintenance, and miscellaneous purposes:
- 3 ..... \$ 5,604,601
- 4     3. For the state mental health institute at Independence for
- 5 salaries, support, maintenance, and miscellaneous purposes:
- 6 ..... \$ 8,553,210
- 7     4. For the state mental health institute at Mount Pleasant
- 8 for salaries, support, maintenance, and miscellaneous purposes:
- 9 ..... \$ 1,614,663

10     Sec. 22. STATE RESOURCE CENTERS.

11     1. There is appropriated from the general fund of the  
12 state to the department of human services for the fiscal year  
13 beginning July 1, 2010, and ending June 30, 2011, the following  
14 amounts, or so much thereof as is necessary, to be used for the  
15 purposes designated:

- 16     a. For the state resource center at Glenwood for salaries,
- 17 support, maintenance, and miscellaneous purposes:
- 18 ..... \$ 15,489,063
- 19     b. For the state resource center at Woodward for salaries,
- 20 support, maintenance, and miscellaneous purposes:
- 21 ..... \$ 9,703,456

22     2. The department may continue to bill for state resource  
23 center services utilizing a scope of services approach used for  
24 private providers of ICFMR services, in a manner which does not  
25 shift costs between the medical assistance program, counties,  
26 or other sources of funding for the state resource centers.

27     3. The state resource centers may expand the time-limited  
28 assessment and respite services during the fiscal year.

29     4. If the department's administration and the department  
30 of management concur with a finding by a state resource  
31 center's superintendent that projected revenues can reasonably  
32 be expected to pay the salary and support costs for a new  
33 employee position, or that such costs for adding a particular  
34 number of new positions for the fiscal year would be less  
35 than the overtime costs if new positions would not be added,

1 the superintendent may add the new position or positions. If  
2 the vacant positions available to a resource center do not  
3 include the position classification desired to be filled, the  
4 state resource center's superintendent may reclassify any  
5 vacant position as necessary to fill the desired position. The  
6 superintendents of the state resource centers may, by mutual  
7 agreement, pool vacant positions and position classifications  
8 during the course of the fiscal year in order to assist one  
9 another in filling necessary positions.

10 5. If existing capacity limitations are reached in  
11 operating units, a waiting list is in effect for a service or  
12 a special need for which a payment source or other funding  
13 is available for the service or to address the special need,  
14 and facilities for the service or to address the special need  
15 can be provided within the available payment source or other  
16 funding, the superintendent of a state resource center may  
17 authorize opening not more than two units or other facilities  
18 and begin implementing the service or addressing the special  
19 need during fiscal year 2010-2011.

20 Sec. 23. MI/MR/DD STATE CASES.

21 1. There is appropriated from the general fund of the  
22 state to the department of human services for the fiscal year  
23 beginning July 1, 2010, and ending June 30, 2011, the following  
24 amount, or so much thereof as is necessary, to be used for the  
25 purpose designated:

26 For distribution to counties for state case services  
27 for persons with mental illness, mental retardation, and  
28 developmental disabilities in accordance with section 331.440:  
29 ..... \$ 10,295,207

30 2. For the fiscal year beginning July 1, 2010, and ending  
31 June 30, 2011, \$200,000 is allocated for state case services  
32 from the amounts appropriated from the fund created in section  
33 8.41 to the department of human services from moneys received  
34 from the federal government under 42 U.S.C. ch. 6A, subch.  
35 XVII, part B, subpart. i, relating to the community mental

1 health center block grant, for the federal fiscal years  
2 beginning October 1, 2009, and ending September 30, 2010,  
3 beginning October 1, 2010, and ending September 30, 2011, and  
4 beginning October 1, 2011, and ending September 30, 2012. The  
5 allocation made in this subsection shall be made prior to any  
6 other allocation of the appropriated federal funds.

7 3. For the fiscal year beginning July 1, 2010, to the  
8 extent the appropriation made in this section and other funding  
9 provided for state case services and other support, as defined  
10 in section 331.440, and the other funding available in the  
11 county's services fund under section 331.424A are insufficient  
12 to pay the costs of such services and other support, a county  
13 of residence may implement a waiting list or other measures to  
14 maintain expenditures within the available funding.

15 4. Notwithstanding section 8.33, moneys appropriated in  
16 this section that remain unencumbered or unobligated at the  
17 close of the fiscal year shall not revert but shall remain  
18 available for expenditure for the purposes designated until the  
19 close of the succeeding fiscal year.

20 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES  
21 — COMMUNITY SERVICES FUND. There is appropriated from

22 the general fund of the state to the mental health and  
23 developmental disabilities community services fund created in  
24 section 225C.7 for the fiscal year beginning July 1, 2010, and  
25 ending June 30, 2011, the following amount, or so much thereof  
26 as is necessary, to be used for the purpose designated:

27 For mental health and developmental disabilities community  
28 services in accordance with this division of this Act:  
29 ..... \$ 14,211,100

30 1. Of the funds appropriated in this section, \$14,187,556  
31 shall be allocated to counties for funding of community-based  
32 mental health and developmental disabilities services. The  
33 moneys shall be allocated to a county as follows:

34 a. Fifty percent based upon the county's proportion of the  
35 state's population of persons with an annual income which is

1 equal to or less than the poverty guideline established by the  
2 federal office of management and budget.

3 b. Fifty percent based upon the county's proportion of the  
4 state's general population.

5 2. a. A county shall utilize the funding the county  
6 receives pursuant to subsection 1 for services provided to  
7 persons with a disability, as defined in section 225C.2.

8 However, no more than 50 percent of the funding shall be used  
9 for services provided to any one of the service populations.

10 b. A county shall use at least 50 percent of the funding the  
11 county receives under subsection 1 for contemporary services  
12 provided to persons with a disability, as described in rules  
13 adopted by the department.

14 3. Of the funds appropriated in this section, \$23,544  
15 shall be used to support the Iowa compass program providing  
16 computerized information and referral services for Iowans with  
17 disabilities and their families.

18 4. a. Funding appropriated for purposes of the federal  
19 social services block grant is allocated for distribution  
20 to counties for local purchase of services for persons with  
21 mental illness or mental retardation or other developmental  
22 disability.

23 b. The funds allocated in this subsection shall be expended  
24 by counties in accordance with the county's county management  
25 plan approved by the board of supervisors. A county without  
26 an approved county management plan shall not receive allocated  
27 funds until the county's management plan is approved.

28 c. The funds provided by this subsection shall be allocated  
29 to each county as follows:

30 (1) Fifty percent based upon the county's proportion of the  
31 state's population of persons with an annual income which is  
32 equal to or less than the poverty guideline established by the  
33 federal office of management and budget.

34 (2) Fifty percent based upon the amount provided to the  
35 county for local purchase of services in the preceding fiscal

1 year.

2 5. A county is eligible for funds under this section if the  
3 county qualifies for a state payment as described in section  
4 331.439.

5 6. The most recent population estimates issued by the United  
6 States bureau of the census shall be applied for the population  
7 factors utilized in this section.

8 Sec. 25. SEXUALLY VIOLENT PREDATORS.

9 1. There is appropriated from the general fund of the  
10 state to the department of human services for the fiscal year  
11 beginning July 1, 2010, and ending June 30, 2011, the following  
12 amount, or so much thereof as is necessary, to be used for the  
13 purpose designated:

14 For costs associated with the commitment and treatment of  
15 sexually violent predators in the unit located at the state  
16 mental health institute at Cherokee, including costs of legal  
17 services and other associated costs, including salaries,  
18 support, maintenance, and miscellaneous purposes:

19 ..... \$ 6,174,184

20 2. Unless specifically prohibited by law, if the amount  
21 charged provides for recoupment of at least the entire amount  
22 of direct and indirect costs, the department of human services  
23 may contract with other states to provide care and treatment  
24 of persons placed by the other states at the unit for sexually  
25 violent predators at Cherokee. The moneys received under  
26 such a contract shall be considered to be repayment receipts  
27 and used for the purposes of the appropriation made in this  
28 section.

29 Sec. 26. FIELD OPERATIONS. There is appropriated from the  
30 general fund of the state to the department of human services  
31 for the fiscal year beginning July 1, 2010, and ending June 30,  
32 2011, the following amount, or so much thereof as is necessary,  
33 to be used for the purposes designated:

34 For field operations, including salaries, support,  
35 maintenance, and miscellaneous purposes:

1 ..... \$ 56,729,548

2 Priority in filling full-time equivalent positions shall be  
3 given to those positions related to child protection services  
4 and eligibility determination for low-income families.

5 Sec. 27. GENERAL ADMINISTRATION. There is appropriated  
6 from the general fund of the state to the department of human  
7 services for the fiscal year beginning July 1, 2010, and ending  
8 June 30, 2011, the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For general administration, including salaries, support,  
11 maintenance, and miscellaneous purposes:

12 ..... \$ 13,727,271

13 1. Of the funds appropriated in this section, \$43,700 is  
14 allocated for the prevention of disabilities policy council  
15 established in section 225B.3.

16 2. The department shall report at least monthly to the  
17 legislative services agency concerning the department's  
18 operational and program expenditures.

19 Sec. 28. VOLUNTEERS. There is appropriated from the general  
20 fund of the state to the department of human services for the  
21 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
22 the following amount, or so much thereof as is necessary, to be  
23 used for the purpose designated:

24 For development and coordination of volunteer services:

25 ..... \$ 84,660

26 Sec. 29. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM  
27 — APPROPRIATION. There is appropriated from the general fund  
28 of the state to the department of human services for the fiscal  
29 year beginning July 1, 2010, and ending June 30, 2011, the  
30 following amount, or so much thereof as is necessary, for the  
31 purpose designated:

32 For a pregnancy counseling and support services program as  
33 specified in this section:

34 ..... \$ 71,688

35 The department of human services shall continue the

1 pregnancy counseling and support services program to provide  
2 core services consisting of information, education, counseling,  
3 and support services to women who experience unplanned  
4 pregnancies by supporting childbirth, assisting pregnant women  
5 in remaining healthy and maintaining a healthy pregnancy  
6 while deciding whether to keep the child or place the child  
7 for adoption, and assisting women after the birth of a child  
8 that was implemented pursuant to 2008 Iowa Acts, chapter 1187,  
9 section 30.

10       Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
11 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
12 DEPARTMENT OF HUMAN SERVICES.

13       1. a. (1) For the fiscal year beginning July 1, 2010,  
14 the total state funding amount for the nursing facility budget  
15 shall not exceed \$152,840,140.

16       (2) The department, in cooperation with nursing facility  
17 representatives, shall review projections for state funding  
18 expenditures for reimbursement of nursing facilities on a  
19 quarterly basis and the department shall determine if an  
20 adjustment to the medical assistance reimbursement rate is  
21 necessary in order to provide reimbursement within the state  
22 funding amount. Any temporary enhanced federal financial  
23 participation that may become available to the Iowa medical  
24 assistance program during the fiscal year shall not be used  
25 in projecting the nursing facility budget. Notwithstanding  
26 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
27 "c", and subsection 3, paragraph "a", subparagraph (2),  
28 if the state funding expenditures for the nursing facility  
29 budget for the fiscal year beginning July 1, 2010, are  
30 projected to exceed the amount specified in subparagraph (1),  
31 the department shall adjust the reimbursement for nursing  
32 facilities reimbursed under the case-mix reimbursement system  
33 to maintain expenditures of the nursing facility budget  
34 within the specified amount. The department shall revise  
35 such reimbursement as necessary to adjust the annual nursing

1 facility pay-for-performance payments in accordance with 2001  
2 Iowa Acts, chapter 192, section 4, subsection 4, as amended  
3 by 2008 Iowa Acts, chapter 1187, section 33, and as amended  
4 by 2009 Iowa Acts, chapter 182, section 33, to implement a  
5 pay-for-performance payment.

6 b. For the fiscal year beginning July 1, 2010, the  
7 department shall reimburse pharmacy dispensing fees using a  
8 single rate of \$4.34 per prescription or the pharmacy's usual  
9 and customary fee, whichever is lower.

10 c. (1) For the fiscal year beginning July 1, 2010,  
11 reimbursement rates for outpatient hospital services shall  
12 remain at the rates in effect on June 30, 2010.

13 (2) For the fiscal year beginning July 1, 2010,  
14 reimbursement rates for inpatient hospital services shall  
15 remain at the rates in effect on June 30, 2010. The Iowa  
16 hospital association shall submit information to the general  
17 assembly's standing committees on government oversight during  
18 the 2011 session of the general assembly regarding actions  
19 taken to increase compensation and other costs of employment  
20 for hospital staff who provide direct care to patients.

21 (3) For the fiscal year beginning July 1, 2010, the graduate  
22 medical education and disproportionate share hospital fund  
23 shall remain at the amount in effect on June 30, 2010.

24 (4) In order to ensure the efficient use of limited state  
25 funds in procuring health care services for low-income Iowans,  
26 funds appropriated in this Act for hospital services shall  
27 not be used for activities which would be excluded from a  
28 determination of reasonable costs under the federal Medicare  
29 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

30 d. For the fiscal year beginning July 1, 2010, reimbursement  
31 rates for rural health clinics, hospices, independent  
32 laboratories, rehabilitation agencies, and acute mental  
33 hospitals shall be increased in accordance with increases under  
34 the federal Medicare program or as supported by their Medicare  
35 audited costs.

1 e. For the fiscal year beginning July 1, 2010, reimbursement  
2 rates for home health agencies shall remain at the rates in  
3 effect on June 30, 2010, not to exceed a home health agency's  
4 actual allowable cost.

5 f. For the fiscal year beginning July 1, 2010, federally  
6 qualified health centers shall receive cost-based reimbursement  
7 for 100 percent of the reasonable costs for the provision of  
8 services to recipients of medical assistance.

9 g. For the fiscal year beginning July 1, 2010, the  
10 reimbursement rates for dental services shall remain at the  
11 rates in effect on June 30, 2010.

12 h. For the fiscal year beginning July 1, 2010, the maximum  
13 reimbursement rates for nonstate-operated psychiatric medical  
14 institutions for children shall remain at the rate in effect  
15 on June 30, 2010.

16 i. For the fiscal year beginning July 1, 2010, unless  
17 otherwise specified in this Act, all noninstitutional medical  
18 assistance provider reimbursement rates shall remain at the  
19 rates in effect on June 30, 2010, except for area education  
20 agencies, local education agencies, infant and toddler services  
21 providers, and those providers whose rates are required to be  
22 determined pursuant to section 249A.20.

23 j. Notwithstanding any provision to the contrary, for the  
24 fiscal year beginning July 1, 2010, the reimbursement rate for  
25 anesthesiologists shall remain at the rate in effect on June  
26 30, 2010.

27 k. Notwithstanding section 249A.20, for the fiscal year  
28 beginning July 1, 2010, the average reimbursement rate for  
29 health care providers eligible for use of the federal Medicare  
30 resource-based relative value scale reimbursement methodology  
31 under that section shall remain at the rate in effect on June  
32 30, 2010; however, this rate shall not exceed the maximum level  
33 authorized by the federal government.

34 l. For the fiscal year beginning July 1, 2010, the  
35 reimbursement rate for residential care facilities shall not

1 be less than the minimum payment level as established by the  
2 federal government to meet the federally mandated maintenance  
3 of effort requirement. The flat reimbursement rate for  
4 facilities electing not to file semiannual cost reports shall  
5 not be less than the minimum payment level as established  
6 by the federal government to meet the federally mandated  
7 maintenance of effort requirement.

8 m. For the fiscal year beginning July 1, 2010, inpatient  
9 mental health services provided at hospitals shall be  
10 reimbursed at the cost of the services, subject to Medicaid  
11 program upper payment limit rules; community mental health  
12 centers and providers of mental health services to county  
13 residents pursuant to a waiver approved under section 225C.7,  
14 subsection 3, shall be reimbursed at 100 percent of the  
15 reasonable costs for the provision of services to recipients of  
16 medical assistance; and psychiatrists shall be reimbursed at  
17 the medical assistance program fee for service rate. However,  
18 the rates shall not exceed the rates in effect on June 30,  
19 2010.

20 n. For the fiscal year beginning July 1, 2010, the  
21 reimbursement rate for consumer-directed attendant care shall  
22 remain at the rates in effect on June 30, 2010.

23 o. For the fiscal year beginning July 1, 2010, the  
24 reimbursement rate for providers of family planning services  
25 that are eligible to receive a 90 percent federal match shall  
26 remain at the rates in effect on June 30, 2010.

27 p. The department shall continue the reduction in payments  
28 to medical assistance program providers for the fiscal year  
29 beginning July 1, 2010, and ending June 30, 2011, in the  
30 percentage amount applicable to the respective provider as  
31 specified under Executive Order 19.

32 2. For the fiscal year beginning July 1, 2010, the  
33 reimbursement rate for providers reimbursed under the  
34 in-home-related care program shall not be less than the minimum  
35 payment level as established by the federal government to meet

1 the federally mandated maintenance of effort requirement.

2 3. Unless otherwise directed in this section, when the  
3 department's reimbursement methodology for any provider  
4 reimbursed in accordance with this section includes an  
5 inflation factor, this factor shall not exceed the amount  
6 by which the consumer price index for all urban consumers  
7 increased during the calendar year ending December 31, 2002.

8 4. For the fiscal year beginning July 1, 2010,  
9 notwithstanding section 234.38, the foster family basic daily  
10 maintenance rate and the maximum adoption subsidy rate for  
11 children ages 0 through 5 years shall be \$15.54, the rate for  
12 children ages 6 through 11 years shall be \$16.16, the rate for  
13 children ages 12 through 15 years shall be \$17.69, and the  
14 rate for children and young adults ages 16 and older shall be  
15 \$17.93. The maximum supervised apartment living foster care  
16 rate and the preparation for adult living program maintenance  
17 rate for children and young adults ages 16 and older shall be  
18 \$18.87.

19 5. For the fiscal year beginning July 1, 2010, the maximum  
20 reimbursement rates for social services providers reimbursed  
21 under a purchase of social services contract shall remain at  
22 the rates in effect on June 30, 2010, or the provider's actual  
23 and allowable cost plus inflation for each service, whichever  
24 is less. However, the rates may be adjusted under any of the  
25 following circumstances:

26 a. If a new service was added after June 30, 2010, the  
27 initial reimbursement rate for the service shall be based upon  
28 actual and allowable costs.

29 b. If a social service provider loses a source of income  
30 used to determine the reimbursement rate for the provider,  
31 the provider's reimbursement rate may be adjusted to reflect  
32 the loss of income, provided that the lost income was used to  
33 support actual and allowable costs of a service purchased under  
34 a purchase of service contract.

35 6. For the fiscal year beginning July 1, 2010, the

1 reimbursement rates for family-centered service providers,  
2 family foster care service providers, group foster care service  
3 providers, and the resource family recruitment and retention  
4 contractor shall remain at the rates in effect on June 30,  
5 2010.

6 7. The group foster care reimbursement rates paid for  
7 placement of children out of state shall be calculated  
8 according to the same rate-setting principles as those used for  
9 in-state providers, unless the director of human services or  
10 the director's designee determines that appropriate care cannot  
11 be provided within the state. The payment of the daily rate  
12 shall be based on the number of days in the calendar month in  
13 which service is provided.

14 8. For the fiscal year beginning July 1, 2010, remedial  
15 service providers shall receive the same level of reimbursement  
16 under the same methodology in effect on June 30, 2010.

17 9. a. For the fiscal year beginning July 1, 2010,  
18 the combined service and maintenance components of the  
19 reimbursement rate paid for shelter care services and  
20 alternative child welfare emergency services purchased under  
21 a contract shall be based on the financial and statistical  
22 report submitted to the department. The maximum reimbursement  
23 rate shall be \$87.74 per day. The department shall reimburse  
24 a shelter care provider at the provider's actual and  
25 allowable unit cost, plus inflation, not to exceed the maximum  
26 reimbursement rate.

27 b. Notwithstanding section 232.141, subsection 8, for the  
28 fiscal year beginning July 1, 2010, the amount of the statewide  
29 average of the actual and allowable rates for reimbursement of  
30 juvenile shelter care homes that is utilized for the limitation  
31 on recovery of unpaid costs shall remain at the amount in  
32 effect for this purpose in the preceding fiscal year.

33 10. For the fiscal year beginning July 1, 2010, the  
34 department shall calculate reimbursement rates for intermediate  
35 care facilities for persons with mental retardation at the

1 80th percentile. Beginning July 1, 2010, the rate calculation  
2 methodology shall utilize the consumer price index inflation  
3 factor applicable to the fiscal year beginning July 1, 2010.

4 11. For the fiscal year beginning July 1, 2010, for child  
5 care providers reimbursed under the state child care assistance  
6 program, the department shall set provider reimbursement  
7 rates based on the rate reimbursement survey completed in  
8 December 2004. Effective July 1, 2010, the child care provider  
9 reimbursement rates shall remain at the rates in effect on June  
10 30, 2010. The department shall set rates in a manner so as  
11 to provide incentives for a nonregistered provider to become  
12 registered by applying the increase only to registered and  
13 licensed providers.

14 12. For the fiscal year beginning July 1, 2010,  
15 reimbursements for providers reimbursed by the department of  
16 human services may be modified if appropriated funding is  
17 allocated for that purpose from the senior living trust fund  
18 created in section 249H.4.

19 13. The department may adopt emergency rules to implement  
20 this section.

21 Sec. 31. EMERGENCY RULES.

22 1. If specifically authorized by a provision of this  
23 division of this Act, the department of human services or the  
24 mental health, mental retardation, developmental disabilities,  
25 and brain injury commission may adopt administrative rules  
26 under section 17A.4, subsection 3, and section 17A.5,  
27 subsection 2, paragraph "b", to implement the provisions and  
28 the rules shall become effective immediately upon filing or  
29 on a later effective date specified in the rules, unless the  
30 effective date is delayed by the administrative rules review  
31 committee. Any rules adopted in accordance with this section  
32 shall not take effect before the rules are reviewed by the  
33 administrative rules review committee. The delay authority  
34 provided to the administrative rules review committee under  
35 section 17A.4, subsection 7, and section 17A.8, subsection 9,

1 shall be applicable to a delay imposed under this section,  
2 notwithstanding a provision in those sections making them  
3 inapplicable to section 17A.5, subsection 2, paragraph "b".  
4 Any rules adopted in accordance with the provisions of this  
5 section shall also be published as notice of intended action  
6 as provided in section 17A.4.

7 2. If during the fiscal year beginning July 1, 2010, the  
8 department of human services is adopting rules in accordance  
9 with this section or as otherwise directed or authorized by  
10 state law, and the rules will result in an expenditure increase  
11 beyond the amount anticipated in the budget process or if the  
12 expenditure was not addressed in the budget process for the  
13 fiscal year, the department shall notify the persons designated  
14 by this division of this Act for submission of reports,  
15 the chairpersons and ranking members of the committees on  
16 appropriations, and the department of management concerning the  
17 rules and the expenditure increase. The notification shall be  
18 provided at least 30 calendar days prior to the date notice of  
19 the rules is submitted to the administrative rules coordinator  
20 and the administrative code editor.

21 Sec. 32. REPORTS. Any reports or information required to be  
22 compiled and submitted under this Act shall be submitted to the  
23 chairpersons and ranking members of the joint appropriations  
24 subcommittee on health and human services, the legislative  
25 services agency, and the legislative caucus staffs on or  
26 before the dates specified for submission of the reports or  
27 information.

28 Sec. 33. EFFECTIVE DATE. The following provisions of this  
29 division of this Act, being deemed of immediate importance,  
30 take effect upon enactment:

31 The provision under the appropriation for child and family  
32 services, relating to requirements of section 232.143 for  
33 representatives of the department of human services and  
34 juvenile court services to establish a plan for continuing  
35 group foster care expenditures for fiscal year 2010-2011.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION V  
SENIOR LIVING TRUST FUND,  
PHARMACEUTICAL SETTLEMENT ACCOUNT,  
IOWACARE ACCOUNT, AND HEALTH CARE  
TRANSFORMATION ACCOUNT

Sec. 34. DEPARTMENT ON AGING. There is appropriated from the senior living trust fund created in section 249H.4 to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, and including program administration and costs associated with implementation:  
..... \$ 8,486,698

1. Of the funds appropriated in this section, \$1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

2. Notwithstanding section 249H.7, the department on aging shall distribute funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department on aging or the area agencies on aging.

Sec. 35. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the inspection and certification of assisted living facilities and adult day care services, including program administration and costs associated with implementation:  
..... \$ 1,339,527

1     Sec. 36. IOWA FINANCE AUTHORITY. There is appropriated  
2 from the senior living trust fund created in section 249H.4 to  
3 the Iowa finance authority for the fiscal year beginning July  
4 1, 2010, and ending June 30, 2011, the following amount, or  
5 so much thereof as is necessary, to be used for the purposes  
6 designated:

7     For the rent subsidy program, to provide reimbursement for  
8 rent expenses to eligible persons:

9 ..... \$     700,000

10     Participation in the rent subsidy program shall be limited  
11 to only those persons who meet the requirements for the nursing  
12 facility level of care for home and community-based services  
13 waiver services as in effect on July 1, 2010, and to those  
14 individuals who are eligible for the federal money follows the  
15 person grant program under the medical assistance program. Of  
16 the funds appropriated in this section, not more than \$35,000  
17 may be used for administrative costs.

18     Sec. 37. DEPARTMENT OF HUMAN SERVICES. Any funds remaining  
19 in the senior living trust fund created in section 249H.4  
20 following the appropriations from the senior living trust  
21 fund made in this division of this Act to the department on  
22 aging, the department of inspections and appeals, and the Iowa  
23 finance authority, for the fiscal year beginning July 1, 2010,  
24 and ending June 30, 2011, are appropriated to the department  
25 of human services to supplement the medical assistance  
26 program appropriations made in this Act, including program  
27 administration and costs associated with implementation. In  
28 order to carry out the purposes of this section, the department  
29 may transfer funds appropriated in this section to supplement  
30 other appropriations made to the department of human services.

31     Sec. 38. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
32 appropriated from the pharmaceutical settlement account created  
33 in section 249A.33 to the department of human services for the  
34 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
35 the following amount, or so much thereof as is necessary, to be

1 used for the purpose designated:

2 To supplement the appropriations made for medical contracts  
3 under the medical assistance program:

4 ..... \$ 3,298,191

5 Sec. 39. APPROPRIATIONS FROM IOWACARE ACCOUNT.

6 1. There is appropriated from the IowaCare account  
7 created in section 249J.24 to the state board of regents for  
8 distribution to the university of Iowa hospitals and clinics  
9 for the fiscal year beginning July 1, 2010, and ending June 30,  
10 2011, the following amount, or so much thereof as is necessary,  
11 to be used for the purposes designated:

12 For salaries, support, maintenance, equipment, and  
13 miscellaneous purposes, for the provision of medical and  
14 surgical treatment of indigent patients, for provision of  
15 services to members of the expansion population pursuant to  
16 chapter 249J, and for medical education:

17 ..... \$ 27,284,584

18 a. Funds appropriated in this subsection shall not be used  
19 to perform abortions except medically necessary abortions, and  
20 shall not be used to operate the early termination of pregnancy  
21 clinic except for the performance of medically necessary  
22 abortions. For the purpose of this subsection, an abortion is  
23 the purposeful interruption of pregnancy with the intention  
24 other than to produce a live-born infant or to remove a dead  
25 fetus, and a medically necessary abortion is one performed  
26 under one of the following conditions:

27 (1) The attending physician certifies that continuing the  
28 pregnancy would endanger the life of the pregnant woman.

29 (2) The attending physician certifies that the fetus is  
30 physically deformed, mentally deficient, or afflicted with a  
31 congenital illness.

32 (3) The pregnancy is the result of a rape which is reported  
33 within 45 days of the incident to a law enforcement agency or  
34 public or private health agency which may include a family  
35 physician.

1 (4) The pregnancy is the result of incest which is reported  
2 within 150 days of the incident to a law enforcement agency  
3 or public or private health agency which may include a family  
4 physician.

5 (5) The abortion is a spontaneous abortion, commonly known  
6 as a miscarriage, wherein not all of the products of conception  
7 are expelled.

8 b. Notwithstanding any provision of law to the contrary, the  
9 amount appropriated in this subsection shall be allocated in  
10 twelve equal monthly payments as provided in section 249J.24.

11 2. There is appropriated from the IowaCare account  
12 created in section 249J.24 to the state board of regents for  
13 distribution to the university of Iowa hospitals and clinics  
14 for the fiscal year beginning July 1, 2010, and ending June 30,  
15 2011, the following amount, or so much thereof as is necessary,  
16 to be used for the purposes designated:

17 For salaries, support, maintenance, equipment, and  
18 miscellaneous purposes, for the provision of medical and  
19 surgical treatment of indigent patients, for provision of  
20 services to members of the expansion population pursuant to  
21 chapter 249J, and for medical education:  
22 ..... \$ 47,020,131

23 The amount appropriated in this subsection shall be  
24 distributed only if expansion population claims adjudicated  
25 and paid by the Iowa Medicaid enterprise exceed the amount  
26 of the appropriation made to the state board of regents for  
27 distribution to the university of Iowa hospitals and clinics  
28 in subsection 1. The amount appropriated in this subsection  
29 shall be distributed monthly for expansion population claims  
30 adjudicated and approved for payment by the Iowa Medicaid  
31 enterprise using medical assistance program reimbursement  
32 rates.

33 3. There is appropriated from the IowaCare account created  
34 in section 249J.24 to the department of human services for the  
35 fiscal year beginning July 1, 2010, and ending June 30, 2011,

1 the following amount, or so much thereof as is necessary, to be  
2 used for the purposes designated:

3 For distribution to a publicly owned acute care teaching  
4 hospital located in a county with a population over 350,000 for  
5 the provision of medical and surgical treatment of indigent  
6 patients, for provision of services to members of the expansion  
7 population pursuant to chapter 249J, and for medical education:  
8 ..... \$ 46,000,000

9 a. Notwithstanding any provision of law to the contrary,  
10 the amount appropriated in this subsection shall be allocated  
11 in twelve equal monthly payments as provided in section  
12 249J.24. Any amount appropriated in this subsection in excess  
13 of \$41,000,000 shall be allocated only if federal funds are  
14 available to match the amount allocated.

15 b. Notwithstanding the total amount of proceeds distributed  
16 pursuant to section 249J.24, subsection 6, paragraph "a",  
17 unnumbered paragraph 1, for the fiscal year beginning July  
18 1, 2010, and ending June 30, 2011, the county treasurer of a  
19 county with a population of over 350,000 in which a publicly  
20 owned acute care teaching hospital is located shall distribute  
21 the proceeds collected pursuant to section 347.7 in a total  
22 amount of \$38,000,000, which would otherwise be distributed to  
23 the county hospital, to the treasurer of state for deposit in  
24 the IowaCare account.

25 c. (1) Notwithstanding the amount collected and  
26 distributed for deposit in the IowaCare account pursuant to  
27 section 249J.24, subsection 6, paragraph "a", subparagraph  
28 (1), the first \$19,000,000 in proceeds collected pursuant to  
29 section 347.7 between July 1, 2010, and December 31, 2010,  
30 shall be distributed to the treasurer of state for deposit in  
31 the IowaCare account and collections during this time period in  
32 excess of \$19,000,000 shall be distributed to the acute care  
33 teaching hospital identified in this subsection.

34 (2) Notwithstanding the amount collected and distributed  
35 for deposit in the IowaCare account pursuant to section

1 249J.24, subsection 6, paragraph "a", subparagraph (2),  
2 the first \$19,000,000 in collections pursuant to section  
3 347.7 between January 1, 2011, and June 30, 2011, shall be  
4 distributed to the treasurer of state for deposit in the  
5 IowaCare account and collections during this time period in  
6 excess of \$19,000,000 shall be distributed to the acute care  
7 teaching hospital identified in this subsection.

8 Sec. 40. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE  
9 TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

10 Notwithstanding any provision to the contrary, there is  
11 appropriated from the account for health care transformation  
12 created in section 249J.23 to the department of human services  
13 for the fiscal year beginning July 1, 2010, and ending June  
14 30, 2011, the following amounts, or so much thereof as is  
15 necessary, to be used for the purposes designated:

16 1. For the costs of medical examinations and development of  
17 personal health improvement plans for the expansion population  
18 pursuant to section 249J.6:

19 ..... \$ 556,800

20 2. For the provision of a medical information hotline for  
21 the expansion population as provided in section 249J.6:

22 ..... \$ 100,000

23 3. For other health promotion partnership activities  
24 pursuant to section 249J.14:

25 ..... \$ 600,000

26 4. For the costs related to audits, performance  
27 evaluations, and studies required pursuant to chapter 249J:

28 ..... \$ 125,000

29 5. For administrative costs associated with chapter 249J:

30 ..... \$ 1,132,412

31 6. For planning and development, in cooperation with the  
32 department of public health, of a phased-in program to provide  
33 a dental home for children in accordance with section 249J.14,  
34 subsection 7:

35 ..... \$ 1,000,000

1     7. For continuation of the establishment of the tuition  
2 assistance for individuals serving individuals with  
3 disabilities pilot program, as enacted in 2008 Iowa Acts,  
4 chapter 1187, section 130:  
5 ..... \$           50,000  
6     8. For medical contracts:  
7 ..... \$   1,300,000  
8     9. For payment to the publicly owned acute care teaching  
9 hospital located in a county with a population of over 350,000  
10 that is a participating provider pursuant to chapter 249J:  
11 ..... \$       290,000

12     Disbursements under this subsection shall be made monthly.  
13 The hospital shall submit a report following the close of the  
14 fiscal year regarding use of the funds appropriated in this  
15 subsection to the persons specified in this Act to receive  
16 reports.

17     Notwithstanding section 8.39, subsection 1, without the  
18 prior written consent and approval of the governor and the  
19 director of the department of management, the director of human  
20 services may transfer funds among the appropriations made in  
21 this section as necessary to carry out the purposes of the  
22 account for health care transformation. The department shall  
23 report any transfers made pursuant to this section to the  
24 legislative services agency.

25     Sec. 41. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR  
26 FY 2011-2012. Notwithstanding any section 8.33, if moneys  
27 appropriated for purposes of the medical assistance program for  
28 the fiscal year beginning July 1, 2010, and ending June 30,  
29 2011, from the general fund of the state, the senior living  
30 trust fund, the health care trust fund, and the property  
31 tax relief fund are in excess of actual expenditures for  
32 the medical assistance program and remain unencumbered or  
33 unobligated at the close of the fiscal year, the excess moneys  
34 shall not revert but shall remain available for expenditure for  
35 the purposes of the medical assistance program until the close

1 of the succeeding fiscal year.

2 DIVISION VI  
3 MH/MR/DD SERVICES  
4 ALLOWED GROWTH FUNDING  
5 FY 2010-2011

6 Sec. 42. 2009 Iowa Acts, chapter 179, section 1, is amended  
7 to read as follows:

8 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND  
9 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND  
10 ALLOCATIONS — FISCAL YEAR 2010-2011.

11 ~~1.~~ There is appropriated from the general fund of the  
12 state to the department of human services for the fiscal year  
13 beginning July 1, 2010, and ending June 30, 2011, the following  
14 amount, or so much thereof as is necessary, to be used for the  
15 purpose designated:

16 For distribution to counties of the county mental health,  
17 mental retardation, and developmental disabilities allowed  
18 growth factor adjustment for fiscal year 2010-2011 as provided  
19 in this section in lieu of the allowed growth factor provisions  
20 of section 331.438, subsection 2, and section 331.439,  
21 subsection 3, and chapter 426B:

22 ..... \$ 62,157,491  
23 48,697,893

24 ~~2. The amount appropriated in this section shall be~~  
25 ~~allocated as provided in a later enactment of the general~~  
26 ~~assembly.~~

27 Sec. 43. 2009 Iowa Acts, chapter 179, section 1, as  
28 amended by this division of this Act, is amended by adding the  
29 following new subsections:

30 NEW SUBSECTION. 1. Of the amount appropriated in this  
31 section, \$146,750 shall be used for assistance to the counties  
32 with limited county mental health, mental retardation, and  
33 developmental disabilities services fund balances which were  
34 selected in accordance with 2000 Iowa Acts, chapter 1221,  
35 section 3, to receive such assistance, in the same amount

1 provided during the fiscal year beginning July 1, 2000,  
2 and ending June 30, 2001, to pay reimbursement increases in  
3 accordance with 2000 Iowa Acts, chapter 1221, section 3.

4 NEW SUBSECTION. 2. Of the amount appropriated in this  
5 section, \$12,000,000 shall be distributed as provided in this  
6 subsection.

7 a. To be eligible to receive a distribution under this  
8 subsection, a county must meet the following requirements:

9 (1) The county is levying for the maximum amount allowed  
10 for the county's mental health, mental retardation, and  
11 developmental disabilities services fund under section 331.424A  
12 for taxes due and payable in the fiscal year beginning July 1,  
13 2010, or the county is levying for at least 90 percent of the  
14 maximum amount allowed for the county's services fund and that  
15 levy rate is more than \$2 per \$1,000 of the assessed value of  
16 all taxable property in the county.

17 (2) In the fiscal year beginning July 1, 2008, the  
18 county's mental health, mental retardation, and developmental  
19 disabilities services fund ending balance under generally  
20 accepted accounting principles was equal to or less than 15  
21 percent of the county's actual gross expenditures for that  
22 fiscal year.

23 b. A county's allocation of the amount appropriated in  
24 this subsection shall be determined based upon the county's  
25 proportion of the general population of the counties eligible  
26 to receive an allocation under this subsection. The most  
27 recent population estimates issued by the United States bureau  
28 of the census shall be applied in determining population for  
29 the purposes of this paragraph.

30 c. The allocations made pursuant to this subsection  
31 are subject to the distribution provisions and withholding  
32 requirements established in this section for the county mental  
33 health, mental retardation, and developmental disabilities  
34 allowed growth factor adjustment for the fiscal year beginning  
35 July 1, 2010.

1 NEW SUBSECTION. 3. The following amount of the funding  
2 appropriated in this section is the allowed growth factor  
3 adjustment for fiscal year 2010-2011, and shall be credited to  
4 the allowed growth funding pool created in the property tax  
5 relief fund and for distribution in accordance with section  
6 426B.5, subsection 1:

7 ..... \$ 36,551,143

8 NEW SUBSECTION. 4. The following formula amounts shall be  
9 utilized only to calculate preliminary distribution amounts for  
10 the allowed growth factor adjustment for fiscal year 2010-2011  
11 under this section by applying the indicated formula provisions  
12 to the formula amounts and producing a preliminary distribution  
13 total for each county:

14 a. For calculation of a distribution amount for eligible  
15 counties from the allowed growth funding pool created in the  
16 property tax relief fund in accordance with the requirements in  
17 section 426B.5, subsection 1:

18 ..... \$ 49,626,596

19 b. For calculation of a distribution amount for counties  
20 from the mental health and developmental disabilities (MH/DD)  
21 community services fund in accordance with the formula provided  
22 in the appropriation made for the MH/DD community services fund  
23 for the fiscal year beginning July 1, 2010:

24 ..... \$ 14,187,556

25 NEW SUBSECTION. 5. After applying the applicable statutory  
26 distribution formulas to the amounts indicated in subsection  
27 4 for purposes of producing preliminary distribution totals,  
28 the department of human services shall apply a withholding  
29 factor to adjust an eligible individual county's preliminary  
30 distribution total. In order to be eligible for a distribution  
31 under this section, a county must be levying 90 percent or more  
32 of the maximum amount allowed for the county's mental health,  
33 mental retardation, and developmental disabilities services  
34 fund under section 331.424A for taxes due and payable in the  
35 fiscal year for which the distribution is payable. An ending

1 balance percentage for each county shall be determined by  
2 expressing the county's ending balance on a modified accrual  
3 basis under generally accepted accounting principles for the  
4 fiscal year beginning July 1, 2008, in the county's mental  
5 health, mental retardation, and developmental disabilities  
6 services fund created under section 331.424A, as a percentage  
7 of the county's gross expenditures from that fund for that  
8 fiscal year. If a county borrowed moneys for purposes of  
9 providing services from the county's services fund on or  
10 before July 1, 2008, and the county's services fund ending  
11 balance for that fiscal year includes the loan proceeds or an  
12 amount designated in the county budget to service the loan for  
13 the borrowed moneys, those amounts shall not be considered  
14 to be part of the county's ending balance for purposes of  
15 calculating an ending balance percentage under this subsection.  
16 The withholding factor for a county shall be the following  
17 applicable percent:

18 a. For an ending balance percentage of less than 5 percent,  
19 a withholding factor of 0 percent. In addition, a county  
20 that is subject to this lettered paragraph shall receive  
21 an inflation adjustment equal to 3 percent of the gross  
22 expenditures reported for the county's services fund for the  
23 fiscal year.

24 b. For an ending balance percentage of 5 percent or more but  
25 less than 10 percent, a withholding factor of 0 percent. In  
26 addition, a county that is subject to this lettered paragraph  
27 shall receive an inflation adjustment equal to 2 percent of the  
28 gross expenditures reported for the county's services fund for  
29 the fiscal year.

30 c. For an ending balance percentage of 10 percent or more  
31 but less than 25 percent, a withholding factor of 25 percent.  
32 However, for counties with an ending balance percentage of 10  
33 percent or more but less than 15 percent, the amount withheld  
34 shall be limited to the amount by which the county's ending  
35 balance was in excess of the ending balance percentage of 10

1 percent.

2 d. For an ending balance percentage of 25 percent or more,  
3 a withholding percentage of 100 percent.

4 NEW SUBSECTION. 6. The total withholding amounts applied  
5 pursuant to subsection 5 shall be equal to a withholding target  
6 amount of \$13,675,453. If the department of human services  
7 determines that the amount to be withheld in accordance with  
8 subsection 6 is not equal to the target withholding amount,  
9 the department shall adjust the withholding factors listed in  
10 subsection 6 as necessary to achieve the target withholding  
11 amount. However, in making such adjustments to the withholding  
12 factors, the department shall strive to minimize changes to  
13 the withholding factors for those ending balance percentage  
14 ranges that are lower than others and shall not adjust the  
15 zero withholding factor or the inflation adjustment percentage  
16 specified in subsection 5, paragraph "a".

17 DIVISION VII

18 HEALTH CARE TRUST FUND APPROPRIATIONS —

19 HEALTH CARE ACTIVITIES

20 Sec. 44. DEPARTMENT OF PUBLIC HEALTH. In addition to  
21 any other appropriation made in this Act for the purposes  
22 designated, there is appropriated from the health care trust  
23 fund created in section 453A.35A to the department of public  
24 health for the fiscal year beginning July 1, 2010, and ending  
25 June 30, 2011, the following amounts, or so much thereof as is  
26 necessary, for the purposes designated:

27 1. ADDICTIVE DISORDERS

28 ..... \$ 2,473,823

29 a. Of the funds appropriated in this subsection, \$1,437,890  
30 shall be used for tobacco use prevention, cessation, and  
31 treatment. The department shall utilize the funds to provide  
32 for a variety of activities related to tobacco use prevention,  
33 cessation, and treatment including to support Quitline  
34 Iowa, QuitNet cessation counseling and education, grants to  
35 school districts and community organizations to support Just

1 Eliminate Lies youth chapters and youth tobacco prevention  
2 activities, the Just Eliminate Lies tobacco prevention media  
3 campaign, nicotine replacement therapy, and other prevention  
4 and cessation materials and media promotion. Of the funds  
5 allocated in this lettered paragraph, not more than \$148,262  
6 may be utilized by the department for administrative purposes.

7 b. Of the funds appropriated in this subsection, \$1,035,933  
8 shall be used for substance abuse treatment activities.

9 2. HEALTHY CHILDREN AND FAMILIES

10 ..... \$ 444,217

11 a. Of the funds appropriated in this subsection, \$159,057  
12 shall be used to address the healthy mental development of  
13 children from birth through five years of age through local  
14 evidence-based strategies that engage both the public and  
15 private sectors in promoting healthy development, prevention,  
16 and treatment for children.

17 b. Of the funds appropriated in this subsection, \$129,279  
18 shall be used for childhood obesity prevention.

19 c. Of the funds appropriated in this subsection, \$155,881  
20 shall be used to provide audiological services and hearing  
21 aids for children. The department may enter into a contract  
22 to administer this paragraph.

23 3. CHRONIC CONDITIONS

24 ..... \$ 899,297

25 a. Of the funds appropriated in this subsection, \$344,944  
26 shall be used for child health specialty clinics.

27 b. Of the funds appropriated in this subsection, \$554,353  
28 shall be used for the comprehensive cancer control program to  
29 reduce the burden of cancer in Iowa through prevention, early  
30 detection, effective treatment, and ensuring quality of life.  
31 The department shall utilize one of the full-time equivalent  
32 positions authorized in this subsection for administration of  
33 the activities related to the comprehensive cancer control  
34 program.

35 4. COMMUNITY CAPACITY

1 ..... \$ 2,448,456

2 a. Of the funds appropriated in this subsection, \$55,215  
3 shall be deposited in the governmental public health system  
4 fund created in section 135A.8 to be used for the purposes of  
5 the fund.

6 b. Of the funds appropriated in this subsection, \$143,150  
7 shall be used for the mental health professional shortage area  
8 program implemented pursuant to section 135.80.

9 c. Of the funds appropriated in this subsection,  
10 \$40,900 shall be used for a grant to a statewide association  
11 of psychologists that is affiliated with the American  
12 psychological association to be used for continuation of a  
13 program to rotate intern psychologists in placements in urban  
14 and rural mental health professional shortage areas, as defined  
15 in section 135.80.

16 d. Of the funds appropriated in this subsection, \$1,203,608  
17 shall be allocated to the Iowa collaborative safety net  
18 provider network established pursuant to section 135.153.

19 e. Of the funds appropriated in this subsection, \$450,000  
20 shall be used to continue funding for the community health  
21 center incubation grant program. Funds shall be utilized by  
22 the recipient of the grant in the previous fiscal year to  
23 ensure continuation of affordable primary and preventive health  
24 care services to the uninsured and underserved in northwest  
25 Iowa.

26 f. (1) Of the funds appropriated in this subsection,  
27 \$555,583 shall be used for continued implementation of  
28 the recommendations of the direct care worker task force  
29 established pursuant to 2005 Iowa Acts, chapter 88, based upon  
30 the report submitted to the governor and the general assembly  
31 in December 2006.

32 (2) The funds appropriated in this subsection shall also  
33 be used for allocation to an independent statewide direct  
34 care worker association for education, outreach, leadership  
35 development, mentoring, scholarships, and other initiatives

1 intended to enhance the recruitment and retention of direct  
2 care workers in health and long-term care.

3 Sec. 45. DEPARTMENT OF HUMAN SERVICES. In addition to  
4 any other appropriation made in this Act for the purposes  
5 designated, there is appropriated from the health care trust  
6 fund created in section 453A.35A to the department of human  
7 services for the fiscal year beginning July 1, 2010, and ending  
8 June 30, 2011, the following amount, or so much thereof as is  
9 necessary, for the purpose designated:

10 MEDICAL ASSISTANCE

11 ..... \$100,650,740

12 Sec. 46. Section 453A.35, subsection 1, Code Supplement  
13 2009, is amended to read as follows:

14 1. The proceeds derived from the sale of stamps and the  
15 payment of taxes, fees, and penalties provided for under this  
16 chapter, and the permit fees received from all permits issued  
17 by the department, shall be credited to the general fund of  
18 the state. However, of the revenues generated from the tax on  
19 cigarettes pursuant to section 453A.6, subsection 1, and from  
20 the tax on tobacco products as specified in section 453A.43,  
21 subsections 1, 2, 3, and 4, and credited to the general fund  
22 of the state under this subsection, there is appropriated,  
23 annually, to the health care trust fund created in section  
24 453A.35A, the first one hundred ~~seventeen~~ six million ~~seven~~  
25 ~~hundred ninety-six~~ sixteen thousand four hundred dollars.

26 DIVISION VIII

27 PRIOR APPROPRIATION CHANGES

28 Sec. 47. 2008 Iowa Acts, chapter 1188, section 16, as  
29 amended by 2009 Iowa Acts, chapter 182, section 84, is amended  
30 to read as follows:

31 SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION  
32 PROGRAMS — COVERING CHILDREN — APPROPRIATION. There  
33 is appropriated from the general fund of the state to the  
34 department of human services for the designated fiscal years,  
35 the following amounts, or so much thereof as is necessary, for

1 the purpose designated:

2 To cover children as provided in this Act under the medical  
3 assistance, hawk-i, and hawk-i expansion programs and outreach  
4 under the current structure of the programs:

5	FY 2008-2009 .....	\$ 4,800,000
6	FY 2009-2010 .....	\$ 4,207,001
7	FY 2010-2011 .....	\$ <del>24,800,000</del>
8		<u>10,049,532</u>

9 TEMPORARY ASSISTANCE FOR NEEDY

10 FAMILIES BLOCK GRANT

11 Sec. 48. 2009 Iowa Acts, chapter 182, section 5, is amended  
12 by adding the following new subsection:

13 NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys  
14 appropriated in this section that remain unencumbered or  
15 unobligated at the close of the fiscal year shall not revert  
16 but shall remain available for expenditure for the family  
17 investment program until the close of the succeeding fiscal  
18 year.

19 BEHAVIORAL HEALTH SERVICES

20 ACCOUNT — MEDICAL ASSISTANCE

21 Sec. 49. 2009 Iowa Acts, chapter 182, section 9, subsection  
22 16, paragraph b, is amended to read as follows:

23 b. The department shall continue to maintain a separate  
24 account within the medical assistance budget for the deposit  
25 of all funds remitted pursuant to a contract with a third  
26 party to administer behavioral health services under the  
27 medical assistance program established pursuant to 2008 Iowa  
28 Acts, chapter 1187, section 9, subsection 20. Notwithstanding  
29 section 8.33, other than funds remaining from the appropriation  
30 allocations made for implementation of the emergency mental  
31 health crisis services and system and for implementation of  
32 the mental health services system for children and youth,  
33 in 2008 Iowa Acts, chapter 1187, section 9, subsection 20,  
34 paragraph "c", subparagraphs (1) and (2), as authorized in 2009  
35 Iowa Acts, chapter 182, section 72, funds remaining in the

1 account that remain unencumbered or unobligated at the end of  
2 ~~any the~~ fiscal year shall not revert but shall remain available  
3 in succeeding fiscal years and ~~shall be used only in accordance~~  
4 ~~with appropriations from the account for health and human~~  
5 ~~services-related purposes~~ are appropriated to the department to  
6 be used for the medical assistance program.

7 Sec. 50. EFFECTIVE UPON ENACTMENT. This division of this  
8 Act, being deemed of immediate importance, takes effect upon  
9 enactment.

10 DIVISION IX  
11 STANDING APPROPRIATIONS — RELATED  
12 CHANGES

13 Sec. 51. LIMITATION OF STANDING APPROPRIATIONS.

14 Notwithstanding the standing appropriations in the following  
15 designated sections for the fiscal year beginning July 1,  
16 2010, and ending June 30, 2011, the amounts appropriated from  
17 the general fund of the state or the mental health property  
18 tax relief fund pursuant to these sections for the following  
19 designated purposes shall not exceed the following amounts:

- 20 1. For the center for congenital and inherited disorders  
21 central registry under section 144.13A, subsection 4, paragraph  
22 "a":  
23 ..... \$ 182,044
- 24 2. For primary and secondary child abuse prevention  
25 programs under section 144.13A, subsection 4, paragraph "a":  
26 ..... \$ 217,772
- 27 3. For the property tax relief fund in section 426B.1,  
28 subsection 2:  
29 ..... \$ 58,399,911
- 30 4. For the appropriation made from the property tax relief  
31 fund to supplement the medical assistance program in section  
32 426B.1, subsection 3:  
33 ..... \$ 3,271,911

34 Sec. 52. MENTAL HEALTH PROPERTY TAX RELIEF FUND — CASH  
35 RESERVE APPROPRIATION. There is appropriated from the cash

1 reserve fund created in section 8.56 to the property tax relief  
2 fund created in section 426B.1 for the fiscal year beginning  
3 July 1, 2010, and ending June 30, 2011, the following amount  
4 or so much thereof as is necessary to be used for the purposes  
5 designated:

6 In lieu of an equal amount of the appropriation made from the  
7 general fund of the state to the property tax relief fund for  
8 the fiscal year in section 426B.1, subsection 2:

9 ..... \$ 22,792,000

10

DIVISION X

11

AREA EDUCATION AGENCIES — MEDICAL

12

ASSISTANCE PROGRAM

13 Sec. 53. Section 256B.15, subsection 7, Code 2009, is  
14 amended to read as follows:

15 7. The area education agencies shall transfer to the  
16 department of ~~education~~ human services an amount equal to  
17 ~~eighty-four percent~~ the nonfederal share of the payments to  
18 be received from the medical assistance program provided  
19 pursuant to chapter 249A. The nonfederal share amount shall  
20 be transferred to the medical assistance program account prior  
21 to payment of claims. This requirement does not apply to  
22 medical assistance reimbursement for services provided by an  
23 area education agency under part C of the federal Individuals  
24 With Disabilities Education Act. Funds received under this  
25 section shall not be considered or included as part of the area  
26 education agencies' budgets when calculating funds that are to  
27 be received by area education agencies during a fiscal year.

28

EXPLANATION

29 This bill relates to and makes appropriations for health  
30 and human services for fiscal year 2010-2011 to the department  
31 of veterans affairs, the Iowa veterans home, the department on  
32 aging, the department of public health, Iowa finance authority,  
33 state board of regents, department of inspections and appeals,  
34 and the department of human services.

35 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division

1 appropriates funding from the general fund of the state for the  
2 department on aging, the department of public health, and the  
3 department of veterans affairs.

4 The division appropriates funding from the general fund  
5 of the state and the federal temporary assistance for needy  
6 families block grant to the department of human services. The  
7 allocation for the family development and self-sufficiency  
8 grant program is made directly to the department of human  
9 rights.

10 The reimbursement section addresses reimbursement for  
11 providers reimbursed by the department of human services.

12 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,  
13 IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT, AND  
14 PROPERTY TAX RELIEF FUND. This division makes appropriations  
15 for fiscal year 2009-2010 from the senior living trust fund to  
16 the department on aging, the department of human services, the  
17 department of inspections and appeals, and the Iowa finance  
18 authority.

19 The division makes an appropriation from the pharmaceutical  
20 settlement account to the department of human services to  
21 supplement the medical contracts appropriation.

22 The division makes appropriations from the IowaCare  
23 account to the state board of regents for distribution to the  
24 university of Iowa hospitals and clinics and to the department  
25 of human services for distribution to a publicly owned acute  
26 care teaching hospital in a county with a population over  
27 350,000 related to the IowaCare program and indigent care. The  
28 division makes an appropriation to the department of human  
29 services from the health care transformation account for  
30 various health care reform initiatives.

31 The division provides that if the total amount appropriated  
32 from all sources for the medical assistance program for fiscal  
33 year 2009-2010 exceeds the amount needed, the excess remains  
34 available to be used for the program in the succeeding fiscal  
35 year.

1 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FISCAL YEAR  
2 2010-2011. This division allocates the appropriation made in  
3 2009 Iowa Acts, chapter 179, for distribution to counties for  
4 adult mental illness, mental retardation, and developmental  
5 disabilities services allowed growth for FY 2010-2011.

6 HEALTH CARE TRUST FUND. This division includes provisions  
7 relating to health care and makes appropriations from the  
8 health care trust fund.

9 Appropriations are made from the health care trust fund  
10 to the department of public health for addictive disorders,  
11 healthy children and families, chronic conditions, and  
12 community capacity.

13 Funds are appropriated from the health care trust fund to  
14 the department of human services for the medical assistance  
15 program.

16 Code section 453A.35 is amended to reduce the amount of  
17 tobacco-related revenue appropriated to the health care trust  
18 fund.

19 PRIOR APPROPRIATIONS — CHANGES. This division amends  
20 appropriations made in prior years.

21 The final year of a multiyear appropriation made for  
22 covering children in 2008 Acts, chapter 1188, is reduced. If  
23 moneys from the appropriations of federal temporary assistance  
24 for needy families block grant made in 2009 Iowa Acts, chapter  
25 182, section 5, remain unexpended, they do not revert but  
26 remain available for expenditure for the family investment  
27 program for the succeeding fiscal year.

28 Moneys remaining available in the account created for funds  
29 relating to the contract for behavioral health services under  
30 the Medicaid program are appropriated for the Medicaid program  
31 instead of remaining available for future appropriation as  
32 originally provided in 2009 Iowa Acts, chapter 182, section  
33 9. An exception is included for the allocations made from  
34 the account for implementation of the emergency mental health  
35 crisis services system and for implementation of the mental

1 health services system for children and youth, which under 2009  
2 Iowa Acts, chapter 182, section 72, do not revert until the  
3 close of FY 2010-2011.

4 This division takes effect upon enactment.

5 STANDING APPROPRIATION — RELATED CHANGES. The standing  
6 appropriations made for the following purposes are reduced  
7 to specified amounts: center for congenital and inherited  
8 disorders central registry, primary and secondary child  
9 abuse prevention programs, property tax relief fund, and from  
10 the property tax relief fund for the Medicaid program. In  
11 addition, an appropriation is made from the cash reserve fund  
12 in lieu of a portion of the general fund appropriation for the  
13 property tax relief fund.

14 AREA EDUCATION AGENCIES — MEDICAL ASSISTANCE PROGRAM. This  
15 division amends Code section 256B.15 to require area education  
16 agencies to transfer an amount equal to the nonfederal share,  
17 prior to payment of claims, to the department of human services  
18 instead of the department of education.